HOUSE OF REPRESENTATIVES—*Thursday, October 9, 1986*

The House met at 10 a.m.

The Chaplain, Rev. James David Ford, D.D., offered the following prayer:

Almighty God, may our loyalties and commitments be for those values that support all people and not just those actions that are beneficial to us. We look to You, gracious God, to speak through Your Word and remind us of our responsibility to nurture life for all people everywhere. As Your message of hope rises above the din of self-interest, so may our lives reflect Your high purpose for us in all we do. In Your name, we pray. Amen.

THE JOURNAL

The SPEAKER. The Chair has examined the Journal of the last day's proceedings and announces to the House his approval thereof.

Pursuant to clause 1, rule I, the Journal stands approved.

Mr. NIELSON of Utah. Mr. Speaker, pursuant to clause 1, rule I, I demand a vote on agreeing to the Speaker's approval of the Journal.

The SPEAKER. The question is on the Chair's approval of the Journal.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. NIELSON of Utah. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 256, nays 117, answered "present" 1, not voting 58, as follows:

[Roll No. 445]

YEAS—256

Abercrombie	Boland	Cooper
Ackerman	Boner (TN)	Coyne
Akaka	Bonior (MI)	Crockett
Alexander	Bonker	Daniel
Anderson	Borski	Darden
Andrews	Bosco	Daschle
Annunzio	Boucher	Davis
Anthony	Boulter	de la Garza
Applegate	Boxer	Dellums
Archer	Broomfield	Derrick
Aspin	Brown (CA)	Dicks
Atkins	Bruce	DioGuardi
AuCoin	Bryant	Donnelly
Barnes	Bustamante	Dorgan (ND)
Bates	Callahan	Dornan (CA)
Bedell	Carr	Dowdy
Beilenson	Chapman	Duncan
Bennett	Chappell	Durbin
Berman	Coelho	Dwyer
Bevill	Coleman (TX)	Dymally
Biaggi	Collins	Dyson
Boggs	Combest	Early
Eckart (OH)	Levine (CA)	Roybal
Eckert (NY)	Lipinski	Russo
Edwards (CA)	Long	Sabo
Edwards (OK)	Lujan	Scheuer
English	Luken	Schneider
Erdreich	MacKay	Schroeder
Evans (IL)	Manton	Schulze
Fascell	Markey	Schumer
Fazio	Martinez	Sharp
Feighan	Matsui	Shelby
Fish	Mazzoli	Shumway
Florio	McCain	Siljander
Foglietta	McCloskey	Sisisky
Foley	McCollum	Skelton
Frank	McCurdy	Slattery
Frenzel	McDade	Smith (FL)
Frost	McEwen	Smith (IA)
Fuqua	McHugh	Smith (NE)
Garcia	McKinney	Smith (NJ)
Gaydos	Mica	Snyder
Gejdenson	Mikulski	Solarz
Gibbons	Miller (CA)	Spence
Gilman	Miller (WA)	Spratt
Glickman	Mineta	St Germain
Goodling	Moakley	Staggers
Gordon	Mollohan	Stallings
Gradison	Montgomery	Stenholm
Gray (PA)	Moody	Stokes
Green	Morrison (CT)	Stratton
Guarini	Morrison (WA)	Studds
Hall (OH)	Mrazek	Sweeney
Hall, Ralph	Murphy	Synar
Hamilton	Murtha	Tallon
Hatcher	Myers	Tauzin
Hefner	Natcher	Taylor
Hertel	Nelson	Thomas (GA)
Horton	Nichols	Torres
Howard	Nowak	Torricelli
Hoyer	Oakar	Traficant
Hubbard	Oberstar	Traxler
Huckaby	Obey	Valentine
Hughes	Olin	Vento
Hutto	Ortiz	Visclosky
Hyde	Panetta	Volkmer
Jeffords	Pease	Waldon
Jenkins	Pepper	Walgren
Johnson	Perkins	Watkins
Jones (NC)	Petri	Waxman
Jones (TN)	Pickle	Weaver
Kaptur	Price	Wheat
Kastenmeier	Pursell	Whitley
Kemp	Quillen	Whitten
Kennelly	Rahall	Wirth
Kildee	Rangel	Wise
Kleczka	Ray	Wolpe
Kolter	Regula	Wortley
Kostmayer	Reid	Wright
LaFalce	Richardson	Wyden
Lantos	Rinaldo	Wylie
Leath (TX)	Robinson	Yates
Lehman (CA)	Rodino	Yatron
Lehman (FL)	Roe	Young (MO)
Leland	Rostenkowski	
Levin (MI)	Rowland (GA)	

NAYS—117

Armey	Conte	Hansen
Badham	Courter	Hawkins
Bartlett	Craig	Hayes
Barton	Dannemeyer	Hendon
Bentley	Daub	Henry
Bereuter	DeWine	Hiler
Bilirakis	Dickinson	Hopkins
Bliley	Dreier	Hunter
Boehlert	Emerson	Ireland
Brown (CO)	Fawell	Jacobs
Burton (IN)	Fields	Kolbe
Chandler	Franklin	Kramer
Chappie	Gallo	Lagomarsino
Cheney	Gekas	Latta
Clinger	Gingrich	Leach (IA)
Coats	Gonzalez	Lent
Cobey	Gregg	Lewis (CA)
Coble	Gunderson	Lewis (FL)
Coleman (MO)	Hammerschmidt	Lightfoot
Livingston	Packard	Smith, Robert (NH)
Lloyd	Parris	Smith, Robert (OR)
Loeffler	Pashayan	Snowe
Lott	Penny	Solomon
Lowry (WA)	Porter	Strang
Lungren	Ridge	Stump
Madigan	Roberts	Sundquist
Martin (IL)	Rogers	Swindall
Martin (NY)	Roth	Thomas (CA)
McCandless	Roukema	Vander Jagt
McGrath	Rowland (CT)	Vucanovich
McMillan	Saxton	Walker
Meyers	Schaefer	Weber
Michel	Schuette	Whittaker
Miller (OH)	Sensenbrenner	Wolf
Mitchell	Shaw	Young (AK)
Molinari	Shuster	Young (FL)
Monson	Sikorski	Zschau
Moorhead	Skeen	
Nielson	Slaughter	
Oxley	Smith, Denny (OR)	

ANSWERED "PRESENT"—1

Clay

NOT VOTING—58

Barnard	Ford (MI)	Neal
Bateman	Ford (TN)	Owens
Breaux	Fowler	Ritter
Brooks	Gephardt	Roemer
Burton (CA)	Gray (IL)	Rose
Byron	Grotberg	Rudd
Campbell	Hartnett	Savage
Carney	Hillis	Seiberling
Carper	Holt	Stangeland
Conyers	Jones (OK)	Stark
Coughlin	Kanjorski	Swift
Crane	Kasich	Tauke
DeLay	Kindness	Towns
Dingell	Lowery (CA)	Udall
Dixon	Lundine	Weiss
Downey	Mack	Whitehurst
Edgar	Marlenee	Williams
Evans (IA)	Mavroules	Wilson
Fiedler	McKernan	
Flippo	Moore	

□ 1020

So the Journal was approved.

The result of the vote was announced as above recorded.

MESSAGE FROM THE SENATE

A message from the Senate by Mr. Hallen, one of its clerks, announced that the Senate had passed without amendment bills and joint resolutions of the House of the following titles:

H.R. 1598. An act for the relief of Steven McKenna;

H.R. 2092. An act to amend the Natural Gas Pipeline Safety Act of 1968 and the Hazardous Liquid Pipeline Safety Act of 1979 to authorize appropriations for fiscal years 1986 and 1987, and for other purposes;

H.R. 2182. An act to authorize the inclusion of certain additional lands within the Apostle Islands National Lakeshore;

H.R. 3005. An act to direct the Secretary of the Interior to convey certain lands, withdrawn by the Bureau of Reclamation for townsite purposes, to the Huntley Project Irrigation District, Ballantine, MT;

H.R. 3168. An act to require the Director of the Office of Management and Budget to prepare an annual report consolidating the available data on the geographic distribu-

tion of Federal funds, and for other purposes;

H.R. 4212. An act to provide for the reauthorization of the Deep Seabed Hard Mineral Resources Act, and for other purposes;

H.R. 4492. An act to permit the transfer of certain airport property in Algona, IA;

H.R. 5016. An act for the relief of Sueng Ho Jang and Sueng Il Jang;

H.R. 5626. An act to make technical corrections in the Federal Employees' Retirement System Act of 1986, and for other purposes;

H.J. Res. 17. Joint resolution to consent to an amendment enacted by the legislature of the State of Hawaii to the Hawaiian Homes Commission Act, 1920;

H.J. Res. 438. Joint resolution to designate October 31, 1986, as "National Child Identification and Safety Information Day";

H.J. Res. 517. Joint resolution providing for reappointment of David C. Acheson as a citizen regent of the Board of Regents of the Smithsonian Institution; and

H.J. Res. 666. Joint resolution expressing the sense of Congress in support of a commemorative structure within the National Park System dedicated to the promotion of understanding, knowledge, opportunity and equality for all people.

The message also announced that the Senate had passed with amendments in which the concurrence of the House is requested, bills of the House of the following titles:

H.R. 1426. An act to authorize and amend the Indian Health Care Improvement Act, and for other purposes;

H.R. 2574. An act for the relief of the survivors of Christopher Eney;

H.R. 1593. An act to direct the Secretary of the Interior to release on behalf of the United States certain restrictions in a previous conveyance of land to the town of Jerome, AZ;

H.R. 4175. An act to authorize appropriations for fiscal year 1987 for certain maritime programs of the Department of Transportation and the Federal Maritime Commission; and

H.R. 5595. An act to amend title XVI of the Social Security Act to make necessary improvements in the SSI program with the objective of assuring that such program (including the work incentive provisions in section 1619 of such Act) will more realistically and more equitably reflect the needs and circumstances of applicants and recipients thereunder.

The message also announced that the Senate agrees to the report of the committee of conference on the disagreeing votes of the two Houses on the amendment of the Senate to the bill (H.R. 4116) "An act to extend and improve the Domestic Volunteer Service Act of 1973."

The message also announced that the Senate agrees to the amendments of the House to the bill (S. 209) "An act to amend chapter 37 of title 31, United States Code, to authorize contracts retaining private counsel to furnish legal services in the case of indebtedness owed the United States."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 475) "An act to amend the Motor Vehicle Information and Cost Savings Act to require certain information to be filed in registering the title of motor vehicles, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1124) "An act to amend title 49, United States Code, to reduce regulation of surface freight forwarders, and for other purposes."

The message also announced that the Senate agrees to the amendment of the House to the bill (S. 1895) "An act for the relief of Marlboro County General Hospital Charity, of Bennettsville, South Carolina."

The message also announced that the Senate agrees to the amendments of the House to the amendments of the Senate to the bill (H.R. 5299) "An act to amend title 38, United States Code, to provide a 2.0-percent increase in the rates of compensation and of dependency and indemnity compensation [DIC] paid by the Veterans' Administration, and for other purposes."

The message also announced that the Senate agrees to the amendments of the House to the joint resolution (S.J. Res. 308) "Joint resolution designating March 25, 1986, as 'Greek Independence Day: A National Day of Celebration of Greek and American Democracy'."

The message also announced that the Senate has passed bills of the following titles, in which the concurrence of the House is required:

S. 334. An act for the relief of Bobby Lochan;

S. 521. An act for the relief of Suzy Huf Hui Chang and Lee Lo Lin and Lee Juo Jui;

S. 567. An act to convey Forest Service Land to Flagstaff, AZ;

S. 767. An act to direct the Secretary of the Interior to permit access across certain Federal lands in the State of Arkansas, and for other purposes;

S. 977. An act to establish the Hennepin Canal National Heritage Corridor in the State of Illinois, and for other purposes;

S. 1026. An act to direct the cooperation of certain Federal entities in the implementation of the Continental Scientific Drilling Program;

S. 1076. An act for the relief of Denise Glenn;

S. 1212. An act for the relief of Olga Sellares Barney and her children Christian Sellares Barney, Kevin Sellares Barney, and Charles Sellares Barney;

S. 1374. An act to establish the Blackstone River Valley National Heritage Corridor in Massachusetts and Rhode Island;

S. 1534. An act for the relief of Masayoshi Goda, his wife Nobuko Goda, and their children Maki Goda and Eri Goda;

S. 1620. An act to establish a National Council on Access to Health Care;

S. 2004. An act to require the President to submit to the Congress an annual report on the management of the executive branch of the Government;

S. 2055. An act to establish the Columbia Gorge National Scenic Area, and for other purposes;

S. 2216. An act to designate September 17, 1987, the bicentennial of the signing of the Constitution of the United States, as "Constitution Day", and to make such day a legal public holiday;

S. 2536. An act to provide for block grants to States to pay the costs of immunosuppressive drugs for organ transplant patients; and

S. 2723. An act to amend title 39 of the United States Code to restore limited circulation second-class rates of postage for copies of a publication mailed to counties adjacent to the county of publication, and for other purposes.

ANNOUNCEMENT BY THE SPEAKER

The SPEAKER. The Chair desires to announce that pursuant to clause 4 of rule I, the Speaker pro tempore signed the following enrolled bill and joint resolution on Wednesday, October 8, 1986:

H.R. 2005. An act to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes; and

H.J. Res. 750. Joint resolution making further continuing appropriations for fiscal year 1987, and for other purposes.

APPOINTMENT AS MEMBERS OF COMMISSION ON EDUCATION OF THE DEAF

The SPEAKER. Pursuant to section 301 of Public Law 99-371, the Chair appoints as members of the Commission on Education of the Deaf, the following members from private life on the part of the House:

Ms. Patricia A. Hughes of Seattle, WA;

Mr. David J. Nelson of Washington, DC;

Mr. William Page Johnson of Jacksonville, IL; and

Ms. Nanette Fabray of Pacific Palisades, CA.

DESIGNATING ROOM H-324 IN THE CAPITOL AS THE THOMAS P. O'NEILL, JR. ROOM

Mr. WRIGHT. Mr. Speaker, I send to the desk a resolution (H. Res. 582) designating Room H-324, in the Capitol, as the Thomas P. O'Neill, Jr. Room, and ask unanimous consent for its immediate consideration.

The SPEAKER pro tempore (Mr. MOAKLEY). The Clerk will report the resolution.

The Clerk read the resolution as follows:

H. RES. 582

Resolved, That room H-324 on the third floor of the House part of Capitol is hereby designated the Thomas P. O'Neill, Jr. Room.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Texas?

There was no objection.

Mr. BOLAND. Mr. Speaker, I strongly support House Resolution 582, designating room

324 in the Capitol as the Thomas P. "Tip" O'Neill Room.

For nearly 34 years TIP O'NEILL has represented the Eighth Congressional District of Massachusetts. For the past 10 years he has served this Nation with distinction as the Speaker of the House. TIP has devoted 50 years of his life to public service, and all Americans recognize the many contributions and accomplishments he has made in that time. He has been, and he continues to be, a tireless champion for the voiceless in our society.

As he prepares to leave Washington and return to Massachusetts we hope that the coming years give him the time he deserves to enjoy the companionship of his family. I can think of no better way of honoring our beloved Speaker than by naming a room in this great Capitol Building after him, a room close to the Chamber he loved. Mr. Speaker, we will miss you, and we honor you today for all you have done, not only as Speaker of the House, but for your tireless work as a public servant.

Today's edition of the Washington Post contains a timely analysis of the 10 years that TIP O'NEILL has served as Speaker of the House. I would like to share with my colleagues the Post's editorial by inserting it at this point in the RECORD:

LEADER OF THE HOUSE

Ten years ago, when Tip O'Neill was about to become speaker of the House, little was expected from him. The House, conventional wisdom had it, was a collection of committee chairmen's baronies, the backwater of American government, stymied by division and incapable of action. Assorted theories asserted that no House could make a significant difference and no speaker could be an effective leader.

Tip O'Neill and the House he has led have proved that convention wisdom wrong. Mr. O'Neill benefited from institutional changes, particularly the reform that made committee chairmen electable by and therefore accountable to the Democratic Caucus. But Mr. O'Neill's achievement owes much as well to intangible factors of character and political skill.

He began and he ends in politics as a man with convictions—not expressed in the abstractions of the academy or the acronyms of the policy analyst, and not always supported by detailed recitals of facts and figures. But no one now doubts the strength of his conviction that government has a duty to make the ordinary person's life better and to defend the United States without unnecessary bloodshed.

To those convictions he added the energy to put them into effect. For some years the position of speaker had been a reward to elderly House leaders, conferred well after their prime years. Mr. O'Neill, installed at age 63, kept in constant touch with other members, was available at daily press conferences, and presided from the podium and spoke from the floor of the House with a zest that has yet to wane. Always a partisan, he worked to weld the disparate Democratic Caucus together, and today House Democrats are more united on a wide range of issues—domestic issues, anyway—than they have been since the early days of Franklin Roosevelt's New Deal.

Finally, Tip O'Neill has had superb political intuition. He has sensed when it is time to compromise in order to get half a loaf, and when it is better to hold out for the whole thing. That is not always a short-term calculation. Mr. O'Neill has been willing to risk defeat, and the public has seen him—after the 1981 budget fight, for example—bloodied and battered but ready to fight another day. He staked out the Social Security issue for House Democrats long before the 1982 election and left them free to run on their own in 1984. It is no accident that the number of House Democrats has gone up, not down, during the Reagan presidency.

Nor is it an accident that Tip O'Neill's rating in the polls has gone way up. He is known for saying "All politics is local," and his roots in North Cambridge, Mass., are deep. But partly because he stands for something and comes from a real place, he has been an effective national leader.

The resolution was agreed to.

A motion to reconsider was laid on the table.

DESIGNATION OF THE THOMAS P. O'NEILL, JR. ROOM

(Mr. WRIGHT asked and was given permission to address the House for 1 minute.)

Mr. WRIGHT. Mr. Speaker, little needs be said. A very few rooms in the Capitol on the House side have been officially designated by the House to honor individuals who are so much a part of our institution that their names will forever epitomize the heart and soul of the United States House of Representatives.

One of those people, clearly, is THOMAS P. "TIP" O'NEILL, JR. As long as free men and women live and serve in this Chamber—the most democratic, in the sense of a little "d," of all institutions of Government—the memory of THOMAS P. O'NEILL, JR., will live and thrive and survive to inspire us and future generations of public servants.

Therefore, it seems appropriate to me, and I know all of our colleagues on both sides of the aisle will surely agree, that it is a fitting tribute for us this day to designate officially the room on the third floor of the House side of the Capitol as the Thomas P. O'Neill, Jr. Room.

THE THOMAS P. O'NEILL, JR., ROOM IN PERPETUITY

(Mr. MICHEL asked and was given permission to address the House for 1 minute.)

Mr. MICHEL. Mr. Speaker, may I simply associate myself with the very appropriate remarks of the distinguished majority leader, the gentleman from Texas [Mr. WRIGHT].

But not being privy to where the recesses of this Capitol all are, cubbyholes or ornate rooms and all the rest, might I inquire of the distinguished majority leader if this room, so appropriately named for THOMAS P. O'NEILL, is sufficiently large enough in size and befitting to accommodate what we normally expect for the Speaker of the House?

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. MICHEL. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, it is a spacious and gracious room, ample in its proportions, warm in its hospitality. It is on the third floor, just opposite the Visitors' Gallery, where the public may see it, and where a sign may forever proclaim it as the THOMAS P. O'NEILL, Jr. Room.

Mr. MICHEL. I definitely thank the gentleman for that explanation.

Might I assure the gentleman from Texas, and of course, the Speaker himself, that when that great day comes when we on the Republican side have a majority in this House, it shall remain the THOMAS P. O'NEILL, Jr. Room.

□ 1030

EXPRESSION OF GRATITUDE FROM THE SPEAKER

(Mr. O'NEILL asked and was given permission to address the House for 1 minute.)

Mr. O'NEILL. Mr. Speaker, I want to tell all of you how grateful I am for having a room named after me in this building.

I have been one who through my years have always been opposed to people in public life naming anything after them until they are 10 years out of public office. My own city and various cities and towns in my district have often wanted to name a housing project or a playground or something of that nature, which I have opposed, but being here for 34 years I am extremely grateful.

As JIM offered the resolution, I thought of a story that we hear in politics at so many banquets when we are honoring some friends. You would say, "The city council of Cambridge today sent a telegram of congratulations, and it passed 14 to 13."

Looking at the gentleman from Georgia, I am very grateful the gentleman did not ask for a rollcall vote.

The room where the Democratic Whips meet is part of the whip organizational room. It is where on a Thursday morning I try to talk about a bipartisan spirit.

It is nice to have a room named after you in the Capitol. One of the most beautiful men I ever met in my life has a room named after him, Ernie Petinaud. Ernie was the maitre d' down at the restaurant and it is nice to join fine people like that. He is a beautiful individual.

To all of you, you know, it has been about 10 days that I have been trying to say goodbye. The party the other night was something I will always remember.

I know that when I bang the gavel for the last time I am going to have a few words to say, but this is the greatest body in the greatest Nation that God ever sent to the Earth.

Thank you.

MESSAGE FROM THE PRESIDENT

A message in writing from the President of the United States was communicated to the House by Mrs. Emery, one of his secretaries.

INSTRUCTING THE CLERK TO MAKE CORRECTIONS IN ENGROSSMENT OF H.R. 5445, CIVIL RICO (RACKETEER INFLUENCED CORRUPT ORGANIZATIONS)

Mr. BOUCHER. Mr. Speaker, I ask unanimous consent that the Clerk be instructed to make corrections in the engrossment of the bill (H.R. 5445) to amend chapter 96 of title 18, United States Code.

The SPEAKER pro tempore (Mr. MOAKLEY). The Clerk will report the corrections.

The Clerk read as follows:

CORRECTIONS TO H.R. 5445

(1) In subsection (c)(1) proposed to be inserted in section 1964 of title 18, United States Code, by section 2 of the bill, redesignate subparagraphs (I) through (VII) as subparagraphs (A) through (G) respectively.

(2) In subsection (c)(1) proposed to be inserted in section 1964 of title 18, United States Code, by section 2 of the bill, strike out the subparagraph (II) which was redesignated as subparagraph (B) by the previous correction and insert in lieu thereof:

"(B) the degree of disparity in the bargaining positions of the plaintiff and defendant;

(3) At the end of paragraph (6) of subsection (c) proposed to be inserted in section 1964 of title 18, United States Code, by section 2 of the bill, inset a closing quotation mark followed by a period.

(4) Strike out paragraph (7) of subsection (c) proposed to be inserted in section 1964 of title 18, United States Code, by section 2 of the bill.

(5) In subsection (c)(1) proposed to be inserted in section 1964 of title 18, United States Code, by section 2 of the bill, strike out "to recover" and insert "and shall recover" in lieu thereof.

(6) In section 4(b), strike out "(2)(B)(ii)" each place it appears and insert "(2)(B)(i)" in lieu thereof.

Mr. BOUCHER [during the reading]. Mr. Speaker, I ask unanimous consent that the corrections be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

Mr. GEKAS. Reserving the right to object, Mr. Speaker, I believe it is important that the gentleman from Virginia outline briefly for the record the sense of the technical corrections made to the bill that we recently passed in this Chamber.

Mr. BOUCHER. Mr. Speaker, will the gentleman yield under his reservation?

Mr. GEKAS. I yield to the gentleman from Virginia.

Mr. BOUCHER. Mr. Speaker, I thank the gentleman for yielding.

I would advise the gentleman and the Chair that these corrections are technically entirely. They merely conform the bill to the understanding of the parties at interest at the time that the bill was being considered. Most of them are merely changing references to paragraphs that were inappropriately referenced.

One does affect the question of provision of attorney's fees to prevailing counsel. It retains the current law that provides that attorney's fees to prevailing parties will be provided and retains the current language, which was the understanding of the parties at the time the bill was considered and passed.

Mr. GEKAS. Mr. Speaker, I thank the gentleman.

Mr. Speaker, I have reviewed the contents of the proposed changes, the technical amendments, and find them to be acceptable as part and parcel of what we intended to do in the original bill.

I have talked with our respected leader, the gentleman from Illinois, who accedes to the technical amendments, so that this side is willing to cooperate in the unanimous-consent passage of these technical amendments.

Mr. Speaker, with that, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Virginia?

There was no objection.

The SPEAKER pro tempore. Is there objection to the initial request of the gentleman from Virginia?

There was no objection.

REQUEST FOR CONSIDERATION OF HOUSE CONCURRENT RESOLUTION 406, EXPRESSING SUPPORT FOR THE PRESIDENT IN HIS MEETING IN ICELAND

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 406) expressing support for President Reagan in his October 11-12 meeting with General Secretary Gorbachev in Reykjavik, Iceland, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I reserve the right to object not because what the committee is attempting to do is not a proper thing. Obviously this House does want to wish the President the best in his trip to Iceland to meet with Secretary Gorbachev; but I am somewhat concerned about language that has been put into the resolution, because it seems to me that it is language that specifies certain things and conditions, while leaving out other things that many of us feel should be addressed in such a resolution.

If, for example, we are going to specify that the President should talk about grain agreements with the Soviets, we also, many of us, think that it might also be specified that he ought to talk about Afghanistan.

If we are going to talk about Helsinki, we think it might be specified that we ought to talk about captive nations.

We think it might be specified that we ought to talk about Soviet adventurism in our hemisphere and Soviet adventurism in Africa; and yet none of those things are specifically in this resolution. Most of the references of that type are indirect.

By specifying the grain agreements——

Mr. JACOBS. Mr. Speaker, regular order.

The SPEAKER pro tempore. The gentleman from Indiana demands regular order.

Is there objection to the request of the gentleman from Florida?

Mr. WALKER. Reserving the right to object, Mr. Speaker, by specifying the grain agreements, I do have a couple questions for the gentleman.

The SPEAKER pro tempore. Does the gentleman from Indiana insist on regular order?

Mr. JACOBS. Mr. Speaker, regular order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. WALKER. Reserving the right to object, Mr. Speaker, is the gentleman from Indiana preventing a discussion from taking place about a bill that is being brought to the floor by unanimous consent?

Mr. JACOBS. Mr. Speaker, regular order.

Mr. WALKER. The gentleman does not want to have a discussion of the important provisions of this bill?

The SPEAKER pro tempore. Does the gentleman from Indiana insist on regular order?

Mr. JACOBS. Mr. Speaker, regular order.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

EXPLANATION OF HOUSE CONCURRENT RESOLUTION 406, EXPRESSING SUPPORT FOR PRESIDENT IN HIS MEETING IN ICELAND

(Mr. FASCELL asked and was given permission to address the House for 1 minute.)

Mr. FASCELL. Mr. Speaker, the resolution that we were discussing a moment ago passed the Committee on Foreign Affairs unanimously. It is a very timely resolution, because it demonstrates the concern of Congress on all the issues that the gentleman from Pennsylvania was talking about, either directly or indirectly, It also shows the unanimity of Congress in expressing its support for the President as he goes to Reykjavik, Iceland for his meeting with General Secretary Gorbachev.

It does emphasize some of the problems brought up by the gentleman from Pennsylvania earlier and it does so by saying that we would hope that there would be concrete progress reached at the meeting in the areas of human rights, trade, bilateral relations, regional issues, and arms control.

I agree with the gentleman from Pennsylvania that we made a special effort on the request of Members on both sides to emphasize the importance of the Soviets fulfilling their commitment to buy grain from the United States, which they have refused to do. The committee felt it was important to emphasize the concern of Members on both sides of the aisle on that issue.

Mr. WALKER. Mr. Speaker, I ask unanimous consent to address the House for 1 minute.

The SPEAKER pro tempore. The Chair recognizes the gentleman from New Jersey [Mr. FLORIO].

REQUEST FOR CONSIDERATION OF SENATE AMENDMENT TO HOUSE AMENDMENTS TO S. 2129, RISK RETENTION AMENDMENTS OF 1986

Mr. FLORIO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2129) to facilitate the ability of organizations to establish risk retention groups, to facilitate the ability of such organizations to purchase liability insurance on a group basis, and for other purposes, with a Senate amendment to the House amendments thereto, and concur in the Senate amendment to the House amendments.

The Clerk read the title of the bill.

The Clerk read the Senate amendment to the House amendments, as follows:

In lieu of the matter proposed to be inserted by the House amendment to the text of the bill, insert:

SECTION 1. SHORT TITLE.

This Act may be cited as the "Risk Retention Amendments of 1986".

SEC. 2. REFERENCES IN THE ACT.

Whenever in this Act an amendment is expressed in terms of an amendment to a section, the reference shall be deemed to be a reference to the Product Liability Risk Retention Act of 1981 (15 U.S.C 3901 et seq), unless otherwise provided.

SEC. 3. COVERAGE OFFERED BY RISK RETENTION GROUPS.

(a) EXPANSION OF COVERAGE.—Section 2(a) (15 U.S.C. 3901(a)) is amended—

(1) by striking paragraphs (1) and (3);

(2) by redesignating paragraph (2) as paragraph (1); and

(3) by inserting after paragraph (1), as so redesignated, the following new paragraphs:

"(2) liability—

"(A) means legal liability for damages (including costs of defense, legal costs and fees, and other claims expenses) because of injuries to other persons, damage to their property, or other damage or loss to such other persons resulting from or arising out of—

"(i) any business (whether profit or nonprofit), trade, product, services (including professional services), premises, or operations; or

"(ii) any activity of any State or local government, or any agency or political subdivision thereof; and

"(B) does not include personal risk liability and an employer's liability with respect to its employees other than legal liability under the Federal Employers Liability Act (45 U.S.C. 51 et seq.);

"(3) 'personal risk liability' means liability for damages because of injury to any person, damage to property, or other loss or damage resulting from any personal, familial, or household responsibilities or activities, rather than from responsibilities or activities referred to in paragraphs (2)(A) and (2)(B);".

(b) DEFINITIONS.—Such section is further amended—

(1) by striking "and" at the end of paragraph (5);

(2) by striking the period at the end of paragraph (6) and inserting "; and"; and

(3) by adding at the end the following new paragraph:

"(7) 'hazardous financial condition' means that, based on its present or reasonably anticipated financial condition, a risk retention group is unlikely to be able—

"(A) to meet obligations to policyholders with respect to known claims and reasonably anticipated claims; or

"(B) to pay other obligations in the normal course of business.".

SEC. 4. REQUIREMENTS RELATING TO RISK RETENTION GROUPS AND PURCHASING GROUPS.

(a) CHARACTERISTICS OF RISK RETENTION GROUPS AND THEIR MEMBERS.—(1) Section 2(a)(4) (15 U.S.C. 3901(a)(4)) is amended by striking "taxable as a corporation, or as an insurance company, formed under the laws of any State, Bermuda, or the Cayman Islands".

(2) Subparagraph (A) of such section is amended by striking "product liability or completed operations liability risk exposure" and inserting "liability exposure".

(3) Subparagraph (C) of such section is amended to read as follows:

"(C) which—

"(i) is chartered and licensed as a liability insurance company under the laws of a State and authorized to engage in the business of insurance under the laws of such State; or

"(ii) before January 1, 1985, was chartered or licensed and authorized to engage in the business of insurance under the laws of Bermuda or the Cayman Islands and, before such date, had certified to the insurance commissioner of at least one State that it satisfied the capitalization requirements of such State, except that any such group shall be considered to be a risk retention group only if it has been engaged in business continuously since such date and only for the purpose of continuing to provide insurance to cover product liability or completed operations liability (as such terms were defined in this section before the date of the enactment of the Risk Retention Amendments of 1986);".

(4) Such section is further amended—

(A) by striking "and" at the end of subparagraph (D); and

(B) by striking subparagraph (E) and inserting the following new subparagraphs:

"(E) which—

"(i) has as its owners only persons who comprise the membership of the risk retention group and who are provided insurance by such group; or

"(ii) has as its sole owner an organization which has as—

"(I) its members only persons who comprise the membership of the risk retention group; and

"(II) its owners only persons who comprise the membership of the risk retention group and who are provided insurance by such group;

"(F) whose members are engaged in businesses or activities similar or related with respect to the liability to which such members are exposed by virtue of any related, similar, or common business, trade, product, services, premises, or operations;

"(G) whose activities do not include the provision of insurance other than—

"(i) liability insurance for assuming and spreading all or any portion of the similar or related liability exposure of its group members; and

"(ii) reinsurance with respect to the similar or related liability exposure of any other risk retention group (or any member of such other group) which is engaged in businesses or activities so that such group (or member) meets the requirement described in subparagraph (F) for membership in the risk retention group which provides such reinsurance; and

"(H) the name of which includes the phrase 'Risk Retention Group'.".

(b) CHARACTERISTICS OF PURCHASING GROUPS.—Section 2(a)(5) (15 U.S.C. 3901(a)(5)) is amended to read as follows:

"(5) 'purchasing group' means any group which—

"(A) has as one of its purposes the purchase of liability insurance on a group basis;

"(B) purchases such insurance only for its group members and only to cover their similar or related liability exposure, as described in subparagraph (C);

"(C) is composed of members whose businesses or activities are similar or related with respect to the liability to which members are exposed by virtue of any related, similar, or common business, trade, product, services, premises, or operations; and

"(D) is domiciled in any State;".

SEC. 5. CONCERNING SCOPE OF EXEMPTIONS RELATING TO RISK RETENTION GROUPS.

(a) IN GENERAL.—Section 3(b) (15 U.S.C. 3902(b)) is amended to read as follows:

"(b) The exemptions specified in subsection (a) apply to laws governing the insurance business pertaining to—

"(1) liability insurance coverage provided by a risk retention group for—

"(A) such group; or

"(B) any person who is a member of such group;

"(2) the sale of liability insurance coverage for a risk retention group; and

"(3) the provision of—

"(A) insurance related services;

"(B) management, operations, and investment activities; or

"(C) loss control and claims administration (including loss control and claims administration services for uninsured risks retained by any member of such group);

for a risk retention group or any member of such group with respect to liability for which the group provides insurance.".

(b) PLANS OF OPERATION, FEASIBILITY STUDIES, AND FINANCIAL STATEMENTS.—Section 3 (15 U.S.C. 3902) is further amended—

(1) in subsection (a)(1)—

(A) by striking subparagraph (D) and redesignating subparagraphs (E), (F), and (G) as subparagraphs (D), (E), and (F), accordingly; and

(B) by striking all that follows after "documents or process" in subparagraph (D) (as redesignated) and inserting a semicolon; and

(2) by adding at the end of such section the following new subsection:

"(d) Each risk retention group shall submit—

"(1) to the insurance commissioner of the State in which it is chartered—

"(A) before it may offer insurance in any State, a plan of operation or a feasibility study which includes the coverages, deductibles, coverage limits, rates, and rating classification systems for each line of insurance the group intends to offer; and

"(B) revisions of such plan or study if the group intends to offer any additional lines of liability insurance;

"(2) to the insurance commissioner of each State in which it intends to do business, before it may offer insurance in such State—

"(A) a copy of such plan or study (which shall include the name of the State in which it is chartered and its principal place of business); and

"(B) a copy of any revisions to such plan or study, as provided in paragraph (1)(B) (which shall include any change in the designation of the State in which it is chartered); and

"(3) to the insurance commissioner of each State in which it is doing business, a copy of the group's annual financial statement submitted to the State in which the group is chartered as an insurance company, which statement shall be certified by an independent public accountant and contain a statement of opinion on loss and loss adjustment expense reserves made by—

"(A) a member of the American Academy of Actuaries, or

"(B) a qualified loss reserve specialist.".

(c) EXAMINATION OF FINANCIAL CONDITION.—Section 3(a)(1)(E) (as redesignated by subsection (b)) is amended—

(1) by striking clause (i);

(2) by redesignating clause (ii) as clause (i); and

(3) by adding at the end the following new clause:

"(ii) any such examination shall be coordinated to avoid unjustified duplication and unjustified repetition.".

(d) COMPLIANCE WITH DELINQUENCY PROCEEDING ORDERS.—Section 3(a)(1)(F) (as redesignated by subsection (b)) is amended to read as follows:

"(F) comply with a lawful order issued—

"(i) in a delinquency proceeding commenced by the State insurance commissioner if there has been a finding of financial impairment under subparagraph (E); or

"(ii) in a voluntary dissolution proceeding;".

(e) ADDITIONAL STATE LAW REQUIREMENTS.—Section 3(a)(1) (15 U.S.C. 3902(a)(1)) is further amended by adding at the end the following new subparagraphs:

"(G) comply with any State law regarding deceptive, false, or fraudulent acts or practices, except that if the State seeks an injunction regarding the conduct described in this subparagraph, such injunction must be obtained from a court of competent jurisdiction;

"(H) comply with an injunction issued by a court of competent jurisdiction, upon a petition by the State insurance commissioner alleging that the group is in hazardous financial condition or is financially impaired; and

"(I) provide the following notice, in 10-point type, in any insurance policy issued by such group:

"'NOTICE

"'This policy is issued by your risk retention group. Your risk retention group may not be subject to all of the insurance laws and regulations of your State. State insurance insolvency guaranty funds are not available for your risk retention group.'".

SEC. 6. ADDITIONAL REQUIREMENTS RELATING TO PURCHASING GROUPS.

Section 4 (15 U.S.C. 3903) is amended by adding at the end the following new subsections:

"(d)(1) A purchasing group which intends to do business in any State shall furnish notice of such intention to the insurance commissioner of such State. Such notice—

"(A) shall identify the State in which such group is domiciled;

"(B) shall specify the lines and classifications of liability insurance which the purchasing group intends to purchase;

"(C) shall identify the insurance company from which the group intends to purchase insurance and the domicile of such company; and

"(D) shall identify the principal place of business of the group.

"(2) Such purchasing group shall notify the commissioner of any such State as to any subsequent changes in any of the items provided in such notice.

"(e) A purchasing group shall register with and designate the State insurance commissioner of each State in which it does business as its agent solely for the purpose of receiving service of legal documents or process, except that such requirement shall not apply in the case of a purchasing group—

"(1) which—

"(A) was domiciled before April 1, 1986; and

"(B) is domiciled on and after the date of the enactment of this Act;

in any State of the United States;

"(2) which—

"(A) before the date of the enactment of this Act, purchased insurance from an insurance carrier licensed in any State; and

"(B) since such date of enactment, purchases its insurance from an insurance carrier licensed in any State;

"(3) which was a purchasing group under the requirements of this Act before the date of enactment of the Risk Retention Amendments of 1986; and

"(4) as long as such group does not purchase insurance that was not authorized for purposes of an exemption under this Act as in effect before the date of the enactment of the Risk Retention Amendments of 1986.

"(f) A purchasing group may not purchase insurance from a risk-retention group that is not chartered in a State or from an insurer not admitted in the State in which the purchasing group is located, unless the purchase is effected through a licensed agent or broker acting pursuant to the surplus lines laws and regulations of such State.".

SEC. 7. CONCERNING AUTHORITY OF STATES TO ENJOIN CERTAIN CONDUCT.

Section 3 (15 U.S.C. 3902), as amended by section 5(b) of this Act, is further amended by adding at the end the following new subsection:

"(e) Nothing in this section shall be construed to affect the authority of any Federal or State court to enjoin—

"(1) the solicitation or sale of insurance by a risk retention group to any person who is not eligible for membership in such group; or

"(2) the solicitation or sale of insurance by, or operation of, a risk retention group that is in hazardous financial condition or is financially impaired.".

SEC. 8. ADDITIONAL CLARIFICATION OF PERMISSIBLE STATE AUTHORITY.

(a) CLARIFICATION OF STATE AUTHORITY RESPECTING RISK RETENTION GROUPS.—Section 3 (15 U.S.C. 3902), as amended by sections 5(b) and 7 of this Act, is further amended by adding at the end the following new subsections:

"(f)(1) Subject to the provisions of subsection (a)(1)(G) (relating to injunctions) and paragraph (2), nothing in this Act shall be construed to affect the authority of any State to make use of any of its powers to enforce the laws of such State with respect to which a risk retention group is not exempt under this Act.

"(2) If a State seeks an injunction regarding the conduct described in paragraphs (1) and (2) of subsection (e), such injunction must be obtained from a Federal or State court of competent jurisdiction.

"(g) Nothing in this Act shall affect the authority of any State to bring action in any Federal or State court.

"(h) Nothing in this Act shall be construed to affect the authority of any State to regulate or prohibit the ownership interest in a risk retention group by an insurance company in that State, other than in the case of ownership interest in a risk retention group whose members are insurance companies.".

(b) CLARIFICATION OF STATE AUTHORITY RESPECTING PURCHASING GROUPS.—Section 4 (15 U.S.C. 3903), as amended by section 6 of this Act, is further amended—

(1) in subsection (a), by inserting "and section 6" after "section"; and

(2) by adding at the end the following new subsections:

"(g) Nothing in this Act shall be construed to affect the authority of any State to make use of any of its powers to enforce the laws of such State with respect to which a purchasing group is not exempt under this Act.

"(h) Nothing in this Act shall affect the authority of any State to bring an action in any Federal or State court.".

(c) OTHER CLARIFICATION.—The Act is further amended by adding at the end the following new section:

"CLARIFICATION CONCERNING PERMISSIBLE STATE AUTHORITY

"SEC. 6. (a) Nothing in this Act shall be construed to exempt a risk retention group or purchasing group authorized under this Act from the policy form or coverage requirements of any State motor vehicle no-fault or motor vehicle financial responsibility insurance law.

"(b) The exemptions provided under this Act shall apply only to the provision of liability insurance by a risk retention group or the purchase or liability insurance by a purchasing group, and nothing in this Act shall be construed to permit the provision or purchase of any other line of insurance by any such group.

"(c) The terms of any insurance policy provided by a risk retention group or purchased by a purchasing group shall not provide or be construed to provide insurance policy coverage prohibited generally by State statute or declared unlawful by the highest court of the State whose law applies to such policy.

"(d) Subject to the provisions of section 3(a)(4) relating to discrimination, nothing in this Act shall be construed to preempt the authority of a State to specify acceptable means of demonstrating financial responsibility where the State has required a demonstration of financial responsibility as a condition for obtaining a license or permit to undertake specified activities. Such means may include or exclude insurance coverage obtained from an admitted insurance company, an excess lines company, a risk retention group, or any other source regardless of whether coverage is obtained directly from an insurance company or through a broker, agent, purchasing group, or any other person.".

SEC. 9. INJUNCTIVE POWERS OF FEDERAL COURTS.

The Act, as amended by section 8(c) of this Act, is further amended by adding at the end the following new section:

"INJUNCTIVE ORDERS ISSUED BY UNITED STATES DISTRICT COURTS

"SEC. 7. Any district court of the United States may issue an order enjoining a risk retention group from soliciting or selling insurance, or operating, in any State (or in all States) or in any territory or possession of the United States upon a finding of such court that such group is in hazardous financial condition. Such order shall be binding on such group, its officers, agents, and employees, and on any other person acting in active concert with any such officer, agent, or employee, if such other person has actual notice of such order.".

SEC. 10. OVERSIGHT OF IMPLEMENTATION; REPORT TO CONGRESS

(a) IN GENERAL.—(1) Not later than September 1, 1987, and not later than September 1, 1989, the Secretary of Commerce shall submit reports to the Congress concerning implementation of this Act.

(2) Such report shall be based on—

(A) the Secretary's consultation with State insurance commissioners, risk retention groups, purchasing groups, and other interested parties; and

(B) the Secretary's analysis of other information available to the Secretary.

(b) CONTENTS OF THE REPORT.—The report shall describe the Secretary's views concerning—

(1) the contribution of this Act toward resolution of problems relating to the unavailability and unaffordability of liability insurance;

(2) the extent to which the structure of regulation and preemption established by this Act is satisfactory;

(3) the extent to which, in the implementation of this Act, the public is protected from unsound financial practices and other commercial abuses involving risk retention groups and purchasing groups;

(4) the causes of any financial difficulties of risk retention groups and purchasing groups;

(5) the extent to which risk retention groups and purchasing groups have been discriminated against under State laws, practices, and procedures contrary to the provisions and underlying policy of this Act and the Product Liability Risk Retention Act (as amended by this Act); and

(6) such other comments and conclusions as the Secretary deems relevant to assessment of the implementation of this Act.

SEC. 11. EFFECTIVE DATE; APPLICABILITY.

(a) GENERAL RULE.—Subject to subsection (b), this Act shall take effect on the date of its enactment.

(b) SPECIAL RULE REGARDING FEASIBILITY STUDY.—The provisions of section 3(d) of the Liability Risk Retention Act of 1986 (as added by section 5(b) of this Act), relating to the submission of a feasibility study, shall not apply with respect to any line or classification of liability insurance which—

(1) was defined in the Product Liability Risk Retention Act of 1981 before the date of the enactment of this Act; and

(2) was offered before such date of enactment by any risk retention group which has been chartered and operating for not less than 3 years before such date of enactment.

(c) RULE REGARDING POLLUTION LIABILITY.—

(1) Section 210 of the Superfund Amendments and Reauthorization Act of 1986 is amended by inserting "(a)" following "Pollution Liability Insurance" and adding at the end thereof the following:

"(b) For purposes of subsection (a) of this section, the powers and authorities of States addressed by the Risk Retention Amendments of 1986 are in addition to those of this Act.".

(2) Nothing in this Act shall be construed, interpreted or applied to diminish the obligations of any person to establish or maintain evidence of financial responsibility or otherwise comply with any of the requirements of Federal environmental laws, including but not limited to the Comprehensive Environmental Response, Compensation and Liability Act of 1980 and the Solid Waste Disposal Act.

SEC. 12. TECHNICAL AND CONFORMING AMENDMENTS.

(a) IN THE SHORT TITLE.—Section 1 (15 U.S.C. 3901, note) is amended to read as follows:

SHORT TITLE

"SECTION 1. This Act may be cited as the 'Liability Risk Retention Act of 1986'."

(b) IN SECTION 2(b).—Section 2(b) (15 U.S.C. 3901(b)) is amended by striking "product liability and product liability insurance" and inserting "liability, personal risk liability, and insurance".

(c) IN SECTION 3(a)(1)(C).—Section 3(a)(1)(C) (15 U.S.C. 3902(a)(1)(C)) is amended by striking "product liability or completed operations".

(d) IN SECTION 4(b).—Section 4(b) (15 U.S.C. 3903(b)) is amended—

(1) in paragraph (1), by striking "product liability or completed operations liability insurance, and comprehensive general liability insurance which includes either of these coverages," and inserting "liability insurance"; and

(2) in paragraph (2), by striking "product liability or completed operations insurance, and comprehensive general".

Mr. FLORIO (during the reading). Mr. Speaker, I ask unanimous consent that the amendment be considered as read and printed in the RECORD.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. WALKER. Reserving the right to object, Mr. Speaker, I do so in order to discuss the issue that the gentleman from Florida was given a chance to discuss.

I had hoped that we could have a discussion about the resolution that was being brought to us by the gentleman from Florida, so that I could at least clarify some points. It was rushed through the committee——

The SPEAKER pro tempore. The Chair intends to take 1-minute speeches, so the gentleman will have his opportunity.

Mr. WALKER. Mr. Speaker, the Chair would not recognize me for a 1-minute speech immediately following the gentleman from Florida, so that we could have a discussion kind of in context about this thing.

The SPEAKER pro tempore. The Chair was honoring the Speaker's commitment to the gentleman from New Jersey [Mr. FLORIO].

We will come back to 1-minutes after this.

Mr. WALKER. Mr. Speaker, I object.

The SPEAKER pro tempore. Objection is heard.

The Chair will receive 1-minute speeches.

A PEACE SCARE

(Mr. JACOBS asked and was given permission to address the House for 1 minute.)

Mr. JACOBS. Mr. Speaker, I have no objection to people making 1-minute speeches here, but people who waited in line for an hour or so it seems to me are entitled to go in the order in which they were waiting.

I simply wanted to say that the taxpayers of this country may be somewhat puzzled that at this late date our national administration still is doing all it can to prevent a mutually verifiable arms agreement with Russia. If you are puzzled about that, let me give you a hint. It is a peace scare. There is no money in arms control.

YUGOSLAVIA TURNS ITS BACK ON JUSTICE

(Mr. BROOMFIELD asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BROOMFIELD. Mr. Speaker, Yugoslavia just made a mockery of justice in that country. Yesterday a Yugoslav judge sentenced a Michigan resident to 7 years in prison. Congressional appeals were ignored. Today Congressman FASCELL, Congressman YATRON, Congressman SOLOMON, and Congressman HERTEL and myself are introducing legislation which would suspend the most-favored-nation status of Yugoslavia.

After illegally detaining Mr. Pjeter Ivezaj, a naturalized American citizen, Yugoslav authorities put him in jail. While denying U.S. Embassy officers access to him, that young man was sentenced to a long prison term.

If that country continues to violate the rights of Mr. Ivezaj, and two other American citizens, why should that Government enjoy a special trade relationship with America?

Our bill would suspend most-favored-nation [MFN] status for that country. That special status would again be granted only if Yugoslavia releases Mr. Ivezaj and two other Americans.

Now is clearly the time to take a firm stand against the illegal imprisonment of innocent Americans. While I regret that this legislation is needed, Yugoslav officials appear not to understand America's concern about the violations of the rights of these innocent men. Now is the time for action.

Anyone interested in cosponsoring this bill should contact my office.

EXTOLLING ACHIEVEMENTS OF 1986 NEW YORK METS

(Mr. WALDON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALDON. Mr. Speaker, I rise today to extol the achievements of the 1986 New York Mets.

We in New York have waited 13 long years for the opportunity to fly another championship pennant over Shea Stadium in Queens, and finally our time has come.

This season's record of 108 victories and only 54 losses tied an 11-year-old National League record of victories held by the 1975 Cincinnati Reds. This phenomenal statistic is a tribute to the entire Met organization. We must acknowledge the fine job that Frank Cashen has done in rebuilding this team since 1980 when he took over the helm as general manager.

We applaud Davey Johnson and the entire Met coaching staff for their outstanding leadership this season.

It is impossible to single out individual players for their accomplishment this season due to the depth and aggressive play of the entire team.

I commend the 1986 New York Mets on their memorable season and look forward to the return of the world championship to its rightful home, the Big Apple, New York.

Furthermore, to show my faith in the New York Mets in the National League championship series against the Houston Astros, I have wagered with my dear friend, Congressman MICKEY LELAND, from down Houston way, the best seafood dinner available in my district if the Astros should win. However, when the Mets win, he has promised me the best barbecue dinner in all of Houston, TX.

□ 1045

CHOPPING OFF THE TAIL OF THE DRAGON PIECEMEAL

(Mr. DANNEMEYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DANNEMEYER. Mr. Speaker, the fundamental weakness of the Gramm-Rudman therapy for curing budget deficits is to be found in its failure to realize that you can't cut off the tail of the dragon by bits and pieces, because the dragon will destroy you between two such tail-trimming sessions. We are offered the choice between a huge budget deficit and a slightly trimmed budget deficit. The average citizen may perhaps be forgiven if he asks why in the name of heaven we don't have a choice between deficit and surplus.

The political economists in our Government—Keynesians and other supporters of a governmentally managed economy—are able to further the political and social revolution in behalf of such an economy chiefly because of the powers which the Government gained over the people when irredeemable fiat currency was thrust upon them in 1971.

Support by some or many of our so-called leaders of the use of irredeemable currency, of a governmentally managed economy, of continuing debasement of our dollar, of continuing budget deficits on a more moderate scale, and monetization of the national debt invovled the risk of ruining our money and this Nation, long before the Gramm-Rudman timetable runs out.

The great majority of influential leaders in this country, who profess to be advocates of private enterprise and human freedom and sound procedures by our Government, either do not understand this fact or do not face up to it. Instead, they utter futile words in opposition to big Government and either ride with the tide running toward a governmentally managed economy or unwittingly further this movement.

Keynes in his best days—before he became an advocate of a governmentally managed economy—made a penetrating statement in his book, The Economic Consequences of the Peace (Harcourt, Brace and Howe, New York, 1920), p. 236:

> The process of debauching the curreny engages all the hidden forces of economic law on the side of destruction, and does it in a manner which not one man in a million is able to diagnose.
>
> Perhaps it is historically true that no order of society ever perishes, save by its own hand. (Ibid., p. 238.)

Instead of trying to chop off the tail of the dragon piecemeal, we should go for its head, and chop it off with one stroke. This can be accomplished by fixing the gold content of the dollar, which would immediately eliminate the huge depreciation premium in the interest payments. It takes courage to attack the dragon head on, but we cannot shrink from the task of saving what Keynes called the order of society.

STAY IN SESSION TO OVERRIDE THREATENED VETO

(Mr. KOSTMAYER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOSTMAYER. Mr. Speaker, yesterday the House passed the conference report reauthorizing Superfund, surely the environmental vote of 1986. A Presidential veto, however, threatens the program.

If we go home now, we may soon have to explain to our constituents not how we ensured their protection, but why we left the job undone.

If we go home now, the Superfund reauthorization may not become law.

If we go home now, Superfund may fall victim to Presidential neglect, halting hundreds of cleanups nationwide.

If we go home now, we may come back in January to a new Congress, an unwilling victim of a pocket veto which would destroy 3 years of hard work by two Chambers and half a dozen committees.

If we go home now, we may find ourselves not proud of what we have done, but ashamed of what we have left undone.

Despite two short-term funding measures, the failure to reauthorize the program has delayed planning or cleanup at more than 200 sites across the country. EPA has already notified Superfund contractors that they could be laid off in 30 days. This must not happen, Mr. Speaker. Stay in session, and when the Reagan veto comes, override it.

DO NOT USE CONTINUING RESOLUTION TO DIRECT FOREIGN POLICY

(Mr. KOLBE asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. KOLBE. Mr. Speaker, this is the ninth day of the 1987 fiscal year. We still have no appropriation bill or appropriation bills to run this Government. Oh, yes, we have passed two temporary continuing resolutions, one for 8 days, another for 2 days, and we are about to take up another one to run us for another 4 days.

Mr. Speaker, this is no way to run a railroad. This is no way to run the Government of the most powerful nation of the free world. We as an institution have failed dismally in our responsibility of passing appropriation bills, of adhering to the budget process and meeting the deadlines we establish for ourselves. We have failed to give fiscal direction to this Government.

If we cannot follow the established appropriation and budget process, at the very least I urge the leadership of this body and of this Congress to give us a continuing resolution to run this Government for the coming year, a continuing resolution that does not attempt to direct the foreign policy of the United States at this critical juncture of United States-Soviet relations. Let us not send our President off to Reykjavik with this cloud, this doubt, over our Nation's foreign policy.

Let us pass a continuing resolution that does what it is supposed to do—fund Government operations for this Nation for the coming year. Then let us leave this city; let us leave the 99th Congress; but let us leave with our head held high.

KEEPING SALT II CONSTRAINTS MAKES SENSE

(Mr. DICKS asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DICKS. Mr. Speaker, President Reagan has said this week that the House of Representatives is trying to tie his hands on arms control issues before his dialog with Soviet Leader Gorbachev this weekend. This must be another vestige of the administration's disinformation campaign, because nothing could be further from the truth. The House is not tying his hands. We have made a series of proposals to the other body and to the administration that they have simply stonewalled. Rather, we are trying to send him over to Iceland and then on to the next Summit meeting in the best possible negotiation position. We are insisting that the policy the administration has followed since 1981—preserving the restraint of the SALT II treaty—should be maintained as we seek new and more substantial arms reduction agreements with the Soviet Union. Keeping SALT II constraints makes sense, both from a military perspective and because our allies and the American people believe that the United States should go the extra mile on exercising restraint on the arms race. The House has gone the extra mile. We are ready to compromise, Mr. President, but we are not ready to surrender our constitutional responsibilities.

HONEST ELECTIONS ARE A CIVIL RIGHT

(Mr. GINGRICH asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. GINGRICH. Mr. Speaker, for years political humorists have joked about Democratic Party vote stealing. From Tammany Hall to the Cook County, IL, machine to the Lyndon Johnson Senate race in Texas, voting theft by Democrats provided jokes for comedians. In Georgia, the Atlanta Journal won a Pulitzer Prize for articles on Democratic vote theft.

In recent years it has been estimated that 100,000 votes were stolen in Chicago in 1982. In Indiana a number of Democratic election officials have been indicted. In the last decade, two Democatic Congressmen from Louisiana have resigned under indictment, and one went to jail for stealing elections.

Recently, some Democrats have been defending the right of dead people to vote and of vacant lots to participate in elections.

Purging dead voters and departed voters is a key to honest elections. Some precincts in America are as dishonest as those we condemned Marcos for in the Philippines. Honest elections are a civil right, and the American people should demand honest elections.

NEW HOPE FOR DEMOCRACY IN TAIWAN

(Mr. TORRICELLI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. TORRICELLI. Mr. Speaker, behind the headlines, virtually out of sight, an old friend of America, a friend of new importance to America, is undergoing change. I speak of Taiwan, the Republic of China.

Last week a new political party, the Democratic Progressive Party, was formed. The ruling KMT responded with genuine restraint. On Wednesday, 37 years after its imposition, martial law was lifted. So, without violence, as we have seen in Korea, without the trauma of the Philippines, change is coming to Taiwan.

It is welcome. Taiwan, the people of China, deserve a democracy as great as the economic miracle that they represent. Now there is new hope that it will be realized.

SIGN THE PLEDGE TO OPPOSE A TAX INCREASE

(Mrs. MARTIN of Illinois asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. MARTIN of Illinois. Mr. Speaker, I have joined many of my colleagues in pledging to the taxpayers of this Nation that I will oppose any effort to increase marginal tax rates for individuals and businesses from the rates established in the recently passed tax bill.

I am afraid that if we do not make this pledge, taxpayers will notice a rate creep and wonder whatever happened to that tax reform bill. If the positive effects of the tax bill are going to have any impact, the rates must be maintained at a constant level. If we want to reap the promise of economic growth and job creation from tax reform we must give it a chance to work.

Some Members of Congress are espousing the need for a tax increase. That is one reason I am signing this pledge. The one area that should not see a tax increase is the marginal tax rate for individuals. I cannot think of a more counterproductive move for our economy. With passage of the tax reform bill, taxpayers lost deductions and credits in exchange for lower rates. To increase the rates now would be a breach of faith.

I urge all my colleagues to sign this pledge so that taxpayers do not have to fear a tax increase.

□ 1055

TARGETING AREAS OF HIGH UNEMPLOYMENT FOR GOVERNMENT WORK

(Mr. TRAFICANT asked and was given permission to address the House for 1 minute.)

Mr. TRAFICANT. Mr. Speaker, one of America's great injustices is that we have not targeted areas of high unemployment for Government work. I know there is some language in the rule such as labor surplus areas, but basically we never apply that particular language when it comes to awarding these contracts.

One of the companies in my district, General Fireproofing, is in line for a GSA award. They deal with metal furnishings. No one in America can produce these particular products any better, and if we are overlooked at this

particular time it would be a shame for the people of my valley.

During World War II we met the surge of the industrial need, and now we are forgotten. General Fireproofing did not forget Youngstown, they did not move to the high tech areas. They stayed and they weathered the storm, and now Congress should be taking every measure to give these particular types of contracts to areas of high skill and high unemployment.

I am asking Congress to look at our labor surplus laws and put some teeth into them.

TOO MANY PRESIDENTS

(Mrs. BENTLEY asked and was given permission to address the House for 1 minute and to revise and extend her remarks.)

Mrs. BENTLEY. Mr. Speaker, we have witnessed many strange things during this Congress. Perhaps the strangest is the failure to do the job the Constitution assigns to the Congress and the attempt to do the job assigned to the President.

Given that the House leadership has not been able or willing to conclude appropriation legislation, it is outrageous that it seeks to run the foreign affairs of the Nation. We have a continuing resolution pending which legislates executive actions in arms control negotiations.

If these negotiations were so easy and straightforward, we wouldn't really need a President to set and execute foreign policy. The success of Congress in doing what it is required to do leaves no room for confidence in its ability to set policy in arms control or in other areas of foreign policy.

It is time to recognize that this Nation is badly served by having Congress assume the role of a foreign policy board. We owe it to the country to give the President some room to do his job in arms control and international affairs in general. Let us get a clean continuing resolution on the floor, do our job and let the President do his.

The safety and well being of the Nation must come before partisan politics. The President deserves the chance to negotiate in the dangerous waters of international arms control without the heckling of 435 little presidents. Give us a clean continuing resolution.

A BILL TO BAN SMOKING ON ALL DOMESTIC AIRLINE FLIGHTS

(Mr. SCHEUER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SCHEUER. Mr. Speaker, in an effort to improve the environment on board domestic airline flights, and protect the health and safety of the passengers and crew, today I am introducing legislation to ban smoking on all domestic airline flights.

The National Research Council of the National Academy of Sciences recently completed an 18-month study at the request of Congress on the issue of air quality and safety in commercial airliner cabins.

The Council has called for a Federal ban on smoking on all domestic commercial airline flights to improve the health and safety of airline passengers and cabin crews.

The scientific panel concluded that both passengers and crew members were harmed by drifting smoke in aircraft cabins and that cigarette smoking posed a significant fire hazard on board as well.

Dr. C. Everett Koop, the Surgeon General of the United States, has repeatedly and forcefully pointed out the health hazards of passive smoking.

This bill will lessen irritation and discomfort to passengers, reduce potential health hazards to cabin crews, bring cabin air quality into line with standards established for other closed environments, and remove the possibility of fires caused by cigarettes.

With 28 percent of the American public taking at least one trip a year, and with some 70,000 flight attendants working long hours inside smoke-filled planes, the time has come to do away with smoke on board.

I ask my colleagues to join me in this comfort improving, health enhancing, and life-saving effort.

MANAGING FOREIGN POLICY

(Mr. ARMEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ARMEY. Mr. Speaker, noboby in this body will quarrel with the proposition that we should and indeed must address questions of foreign affairs and international relations. There are serious questions that must be addressed, and certainly questions that will be addressed by the President in Iceland, and we certainly are interested.

But the fact that we have elected to address these issues not through our constituted Foreign Affairs Committees where the research and the study and the hearings can be held, but through the continuing resolution, makes it very, very difficult not only for the President to negotiate in Iceland, but for us to complete our work here.

The American people are watching us go through a series of short-term 1- and 2-day continuing resolutions because we do not seem to be able to fund the 1987 budget. The reason we cannot do that is we have tried to legislate foreign affairs in appropriation bills and in continuing resolutions.

Our inability to adhere to our own rules in that regard has made it difficult not only for us to complete our business, but for the President to complete his.

INTEREST ON PASSBOOK SAVINGS ACCOUNTS

(Mr. ST GERMAIN asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. ST GERMAIN. Mr. Speaker, I find it particularly disturbing that many banks across the country have begun to lower the fixed 5.5-percent interest rate they pay on passbook savings accounts. This is not what the Congress intended when it passed legislation designed to remove this interest rate cap and thus ensure that small savers be paid a market rate on their money.

For years, Federal law prevented banks from offering more than 5.5-percent interest on passbook savings accounts. In 1980, I was successful in pushing through a change in the law to authorize the phaseout of the unfair limitations on what consumers could be paid on their savings. This April, the phaseout became complete. Despite this, banks have been choosing to pay less than 5.5-percent interest. Indeed, some banks are offering as little as 4 percent.

Peanuts may be fine for elephants, but not for the consumer. The small saver deserves a fair return on his or her money. Recent figures show that Super-NOW accounts are offering 6.41 percent interest and U.S. savings bonds 7.02.

The Congress voted to phase out the ceilings on passbook savings accounts at the urging of small savers who could not meet the then stiff minimum balance requirements for higher yielding money market accounts.

Yet here we are in 1986 and small savers are no better off than they were in 1980.

There are a few bright spots, however. In my home State of Rhode Island, People's Trust Co. is offering 5.8 percent on its savings accounts, while Marquette Credit Union in Woonsocket is offering 6.8 percent. Across the country, others are following suit.

But more needs to be done. I urge all federally insured financial institutions to give consumers the best break possible on their passbook savings accounts. Otherwise, I have no qualms about urging these same consumers to move their estimated $327 billion in passbook savings accounts to other higher yielding accounts, no matter how much the banking industry "doth protest."

ON THE ROAD TO FREEDOM IN TAIWAN

(Mr. PORTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. PORTER. Mr. Speaker, the President of the Republic of China, Chiang Ching-kuo announced yesterday that his government will soon end martial law on Taiwan. Earlier this year, the first opposition party, the Democratic Progressive Party, was granted permission to operate in Taiwan.

The end of martial law will mean the end of trials of civilians in military courts and the removal of some restrictions on personal freedoms.

Mr. Speaker, the fear of Communists and invasion by mainland China has evoked certain repressive practices in Taiwan over the last 40 years. President Chiang's decision to fight communism through greater freedom and democracy will prove to be the most powerful weapon available.

I applaud the judgment of the Taiwanese Government. Their decision is an example to other regimes to observe. Taiwan, and United States-Taiwan relations, will be the stronger for it.

DREIER AMENDMENT TO IMMIGRATION REFORM BILL

(Mr. DREIER of California asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DREIER of California. Mr. Speaker, today we are going to begin consideration of the immigration reform bill. There is a very important amendment which I am going to be joining my colleague from California, Mr. MOORHEAD, in offering which makes this not only an immigration reform bill, but also an anti-drug bill and an anti-terrorism bill.

The amendment the gentleman from California [Mr. MOORHEAD] and I are going to be offering will bring about a 50-percent increase in the border patrol. Never before have we had a higher number of people flowing across our southern borders into the United States, and I believe, Mr. Speaker, it is very important that we pass this amendment, and I urge my colleagues to join us.

NEW RESEARCH ON CHRISTOPHER COLUMBUS' FIRST LANDING

(Mr. BIAGGI asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. BIAGGI. Mr. Speaker, who has ever heard of Samana Cay—and what does it mean anyway?

To understand the remarkable feat of Christopher Columbus almost 500 years ago—it may mean a great deal.

Yesterday, on the eve of our Nation's annual observance and celebration of Columbus Day—the results of a 5-year investigation into Columbus' trip was released.

The main conclusion—Columbus did not land on Watling Island—later named San Salvador.

Instead he landed 65 miles to the south at Samana Cay.

This new research does not put into dispute that Columbus was the first person to discover the New World.

If anything, it serves to enhance Columbus and his 30-day, 3,000-mile mission of destiny.

In fact, the New York Times today said the new study serves as further proof that Columbus was an incredible seaman.

As we prepare to celebrate Columbus Day, 1986, let us ponder the extraordinary nature of Columbus' undertaking.

As we approach the 500th anniversary of this historic mission, let us reflect on the significance of Columbus to our Nation's history.

When we do—we will conclude that the issue is not so much where Columbus landed—as the fact that he did, and from the time he touched his foot on New World soil, the world was never the same.

□ 1105

PLEDGE NO TAX INCREASES ON AMERICAN'S SMALL BUSINESSES AND FAMILIES

(Mr. SWINDALL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SWINDALL. Mr. Speaker, on behalf of the American family and the small businesses in America, and the budgets of the American family and those small businesses, I call on my colleagues to sign the no tax increase pledge.

Until the current administration took office, for nearly two decades the American family and small businesses were asked to yield to the Federal budget. For the last several years we have given those businesses and the American family renewed hope. We have told them that they can begin to spend more of their disposable income for their families, and to assure them the type of opportunities that America has always stood for.

Already, however, there is a clamor for a tax increase. What they are really saying is, "It's time for the Federal budget to take precedent once again over the family budget."

We have seen the President of the United States make a pledge of no tax increase, and in 1984, over 60 percent of the American people signed that no tax increase pledge with him.

I ask my colleagues to please give consideration to the fact that it was America's families and America's small businesses that made this country great. We cannot afford to penalize them by raising their taxes once again.

THE NO TAX INCREASE PLEDGE

(Mr. LOTT asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LOTT. Mr. Speaker, I am pleased to inform my curious colleagues on the other side of the aisle that the administration's October surprise is under your noses. Yes; the President has managed to confound and surprise the skeptics, to the delight of the American people, by making good on his pledge in last year's State of the Union Address to work with Congress on a bipartisan tax reform bill that would be marked by fairness, growth, and lower rates. That historic and sweeping measure will be signed into law this month.

But, I would point out that the President also pledged in that message that "tax reform will not be * * * a tax increase in disguise." The tax bill keeps that pledge; but we will be violating it if we turn around next year, as some on the other side have proposed, and enact a tax increase. That would turn October's pleasant surprise into next year's big chill and future shock for American taxpayers. I urge my colleagues to sign the no tax increase pledge now and keep faith with your constituents.

WE SHOULD NOT TIE THE PRESIDENT'S HANDS IN ARMS CONTROL PRIOR TO THE MINI-SUMMIT

(Mr. LAGOMARSINO asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. LAGOMARSINO. Mr. Speaker, my colleagues, as we meet here this morning, the President is on his way to Iceland to meet with Secretary Gorbachev. I would urge that this House and the other body present a full continuing resolution with no arms control restrictions attached thereto. We should not tie the President's hands before the summit, and we should not, my colleagues, surrender the U.S. arms control bargaining position before the bargaining even begins.

OPPOSE ANY EFFORT TO INCREASE TAX RATES

(Mr. MICHEL asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MICHEL. Mr. Speaker, I am glad to join CONNIE MACK and other colleagues in opposing any effort to increase tax rates.

On the surface, this is an economic issue. But it goes deeper than that. It is, in my view, a promise we in Congress have made to the American people, a promise we ought to keep.

Tax reform and tax rate reduction are not academic exercises—they are the very heart of a movement toward expanded freedom for all Americans, especially the most disadvantaged and the poor.

When we passed the tax reform bill, the Speaker, in remarks before the House, said that this tax reform bill was one of the most effective means of fighting poverty he had seen in a half dozen years.

With all respect, I would say it is the best antipoverty bill we have passed in a generation. So, we agree on the basic idea.

There was once a time when you could divide the economic issues from the social issues. But that time has long since passed.

Tax rate reduction and tax reform are indeed social issues as much as they are economic issues because they have an impact on every individual, every family.

That is why they are so important and we should do all we can to keep tax rates low.

HOUSE LEGISLATION GIVES SOVIETS MUCH OF WHAT THEY WISH TO ACHIEVE AT REYKJAVIK

(Mr. SHUMWAY asked and was given permission to address the House for 1 minute.)

Mr. SHUMWAY. Mr. Speaker, I find it difficult to understand what the House hopes to accomplish by legislating to the benefit of the Soviet Union. Our version of the controversial and much heralded omnibus spending bill contains provisions which quite literally bestow upon the U.S.S.R. much of what that nation hopes to achieve at the negotiating table. We are proposing bans on nuclear testing, antisatellite weapons testing, and chemical weapons production, as well as SALT II compliance and a freeze on SDI funding. We are unilaterally granting to the U.S.S.R. concessions that they would be unlikely to win without giving something in return. What can we be thinking about? Our actions do nothing to serve the cause of national security; they do nothing to promote our image as a unified and strong nation in the Soviets' eyes, and they do nothing to secure mutual, verifiable, and equitable arms reduction.

The House is taking irresponsible action, action which has grave implications. Moreover, it is action which this body has absolutely no constitutional right to pursue. Now is the time for this Congress to present a unified front, standing squarely behind the President as he travels to meet with his Soviet counterpart.

TYING THE PRESIDENT'S HANDS?

(Mr. MARKEY asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. MARKEY. Mr. President, you announced your summit while the House and Senate were trying to resolve our differences on arms control policy. Our reaction has been to say, "Yes, we want a summit. We will not tie your hands. We will postpone our meetings and wave to you in unison from the water's edge; but, Mr. President, we will not abandon our principles."

We have offered to put resolution of these arms control issues until after the summit, but the President has been unwilling to accept our offer. Why? Because this President does not really want a consensus on arms control. He wants a showdown. He wants to show the right wing of the Republican Party that he is still rough and tough in the aftermath of the Daniloff case.

That is why the President is playing partisan politics with the summit. That is why he is making no effort to forge a consensus in Washington before he gets on the plane for Iceland.

The Democrats would like to stand at the water's edge waving and wishing the President luck as he leaves for Iceland. The problem is, the Republicans are not waving; they are trying to push the Democratic heads under the water.

Mr. President, Democrats are not looking for a confrontation. It is you and your advisers. You are leaving us no other choice but to fight. We will not surrender our principles.

JUST WHO IS ENGAGING IN PARTISAN POLITICS HERE?

(Mr. WALKER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. WALKER. Mr. Speaker, we just heard an exercise in some of the most partisan politics we have had on the floor. To come to the floor and suggest that the President is engaged in partisan politics when he attempts to have a firm negotiating position when he goes to face Secretary Gorbachev I think is somewhat disingenuous.

I think that what we need to have is a united country behind the President as he goes to negotiate and not the suggestion that at some point in the future that this House is going to demand that certain portions of the Soviet negotiating position be adopted unilaterally here rather than negotiated at summit conferences.

I would hope that the President of the United States would be given the backing of this House and to be given the backing of the American people as a whole to do what he thinks is in the best interests of the country as he negotiates with General Secretary Gorbachev.

To suggest that that is partisan politics I think is to suggest what should never be.

INSISTING ON ARMS CONTROL

(Mr. COLEMAN of Texas asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. COLEMAN of Texas. Mr. Speaker, it is proper and indeed our duty as members of the Democratic Party to ask the President to continue to abide by the SALT II arms control treaty.

We do not seek to tie his hands at the upcoming summit in Iceland; in fact, we even offer to put off all consideration of any arms control issue until next March. Our request to adhere to SALT II should only be seen as a reminder to the President that continued adherence has been his own policy for the last 6 years.

SALT II is verifiable, and we do indeed possess the national technical means by which to monitor Soviet compliance with the treaty. It is this verification upon which the administration bases its statements that the Soviets are adhering to the numerical limits of the SALT II Treaty but possibly violating some of its subsections.

Mr. Speaker, we wish our President well. We as a nation can only have one voice to represent us at the Iceland summit, and I find myself in disagreement with those on the far right who complain that the President should not even be discussing arms control with the Soviet Union. We do not wish to tie his hands. We wish him well, we wish him success, and we wish him Godspeed in the effort to end the spiraling nuclear arms race.

CONSIDERING A NEW RULE ON THE IMMIGRATION BILL

(Mr. SHAW asked and was given permission to address the House for 1 minute.)

Mr. SHAW. Mr. Speaker, in a few moments we will begin debate again on a rule which will bring the immigration bill here to the floor of the House. I, along with a majority of the Members of this House opposed the last rule, the last time it came out because it was a, what we considered an unfair rule; it was a gag rule, and one

that did not deserve the majority support of this House.

However, there have been a great deal of negotiations going on between members of the Rules Committee, the gentleman from California [Mr. LUNGREN], the gentleman from Kentucky [Mr. MAZZOLI], the gentleman from New Jersey [Mr. RODINO] and other Members of the House; and for the first time, they have brought together a rule that I think is acceptable and one that we should go forward with.

I urge all Members to look hard at what we have. The alternative is to do nothing. Pass the rule so we can get on with some meaningful immigration reform in this country.

□ 1115

LET'S UNTIE THE PRESIDENT'S HANDS

(Mr. SENSENBRENNER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. SENSENBRENNER. Mr. Speaker, the gentleman from Texas [Mr. COLEMAN] has stated that we should do what we have already negotiated and abide by the SALT II Treaty. I would remind the gentleman from Texas that the SALT II Treaty was never ratified by the U.S. Senate, in 1980, a U.S. Senate that was controlled by the party of the gentleman from Texas rather than the party of President Reagan.

Furthermore, the provisions of the SALT II Treaty had expiration times, and the entire SALT II Treaty, even if it had been ratified, would have expired by now.

There is no reason on Earth why the President of the United States, who represents everyone in this country, Republicans, Democrats, and independents alike, should have to negotiate with the House of Representatives at the same time he is negotiating with General Secretary Gorbachev.

Let us untie the President's hands, let him do the right thing. He has been supported by the people of this country and he should be given a chance to fulfill that trust.

THE PLIGHT OF CUBAN POLITICAL PRISONERS

(Mr. RICHARDSON asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. RICHARDSON. Mr. Speaker, today we are once again scheduled to take up consideration of H.R. 3810, the immigration bill. I believe that immigration reform is essential—as we all know, it is also very controversial. Negotiations on the more controversial aspects of this bill have been successfully completed, and we will see action on this bill. As an active participant in the ongoing debate over immigration reform, I have consistently attempted to focus attention on several aspects of illegal immigration which have been consistently overlooked. Two of my amendments have been incorporated into the text of the bill which we are considering today. Both of these amendments address important issues in immigration reform.

The first amendment exempts Cuban political prisoners from certain visa restrictions. Presently the INS will not give visas to individuals who are trying to enter this country from a third country. Thus Cuban political prisoners who have successfully left Cuba and made it to another country such as Panama or Mexico are denied visas to enter this country. This action effectively turns these individuals back over to Castro—they have left Cuba with the goal of achieving freedom in this country—and then they are denied that freedom. The policy of this administration, designed purportedly to punish Castro backfires and the people who suffer are the Cuban political prisoners who so desperately need our help. My amendment, as part of the text of this bill, will no longer allow the INS to deny these Cuban political prisoners entrance into the United States from third countries. I believe that this measure is a clear signal to this administration that they must take clear and decisive action to assist Cuban political prisoners obtain the freedom they so desire.

My second amendment incorporated into the text of this bill is designed to stimulate border revitalization. It authorizes the President to negotiate with the Government of Mexico for the establishment of a free trade and coproduction zone in the United States-Mexico borderlands. A major reason we have such a problem with illegal immigration into this country is because of the dire economic circumstances being experienced in other countries. The problem is particularly acute in the United Statesd-Mexico border region, with adverse consequences for residents of both sides of the border. The purpose of this amendment is to stimulate production in the region on both sides of the border. A revitalized border zone would have several benefits—by stimulating the economy in the region it would provide jobs for Americans on the American side of the border—at the same time, by giving the economy on the Mexican side of the border a boost, it would help to halt the tide of illegal immigrants coming across the border in search of economic opportunity.

I believe that immigration reform is of the utmost importance—stemming the tide of illegal immigrants into this country is vital. My amendments address several important aspects of this bill—I urge my colleagues' support for them.

REMOVE ARMS CONTROL LANGUAGE FROM THE CONTINUING RESOLUTION

(Mr. BILIRAKIS asked and was given permission to address the House for 1 minute.)

Mr. BILIRAKIS. Mr. Speaker, I know we have all slept soundly knowing that the management of the arms control negotiations was in the hands of the right people: All 435 of them!

It occurs to me that the President, upon successful completion of his meetings with Secretary Gorbachev in Iceland, should then arrange a summit with those Members of the House who seek to tie his hands as he sits at the negotiating table.

There is no place in the continuing resolution for arms control language. The majority should realize this and allow the President and his negotiators to continue the business of effective arms control. The House of Representatives does nothing more than present an appearance of discord before the Soviets, who naturally will have no need to concede in negotiations what we, the U.S. House of Representatives, will give to them. Remove the arms control language from the continuing resolution and restore a united front when the President meets with the Soviets.

LET PRESIDENT REAGAN NEGOTIATE FROM A POSITION OF STRENGTH

(Mr. DAUB asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. DAUB. Mr. Speaker, some who have been watching the 1-minutes may wonder now just what is everybody talking about? I think it might be wise to spread upon the RECORD the five principal positions of the Democratic Party with respect to negotiating arms reduction.

The argument today in the 1-minutes is all about a nuclear testing moratorium, adherence to a nonratified SALT II Treaty on the sublimits, which is selective, fiscal restrictions on SDI, a moratorium on antisatellite testing systems, and a ban on chemical weapons.

I think it is very clear that this President, neither in Iceland nor when the summit comes to the United States in March or April of next year, should not be in a position to have announced in the newspapers unilateral concessions and therefore be unable to negotiate an arms control package by getting a quid pro quo, getting concessions from the Soviets.

The Democrats would ask us to negotiate after we have made the concessions. I think the American people want us to negotiate from a position of strength and get concessions from the Soviets in return for ours at the bargaining table.

AMERICAN FOREIGN POLICY SHOULD LEAVE OUR SHORES WITH ONE VOICE

(Mr. HUNTER asked and was given permission to address the House for 1 minute and to revise and extend his remarks.)

Mr. HUNTER. Mr. Speaker, I think my colleagues who preceded me have made it clear that American foreign policy should leave our shores with one voice, and this House has passed a resolution to the effect that we should abide by SALT II even though we agree that the Soviets are substantially violating SALT II in encrypting telemetry and building the SS-25.

I would say simply that the attempt by Democrats to inject themselves into the arms control process as adversaries to the President of the United States is unprecedented in American history and it does a disservice to national defense.

EXPRESSING SUPPORT FOR PRESIDENT REAGAN IN HIS MEETING IN ICELAND

Mr. FASCELL. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 406) expressing support for President Reagan in his October 11-12 meeting with General Secretary Gorbachev in Reykjavik, Iceland, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from Florida?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, I offer my support of the resolution before us which encourages the President's efforts in meeting with the Soviet leader in Iceland. By any standard, this upcoming meeting is a step in the right direction.

As we all know, the President and Mr. Gorbachev will meet this weekend in Iceland for discussions that have been called a "base camp meeting" on the way to the summit.

While numerous issues will be discussed at the meeting, I strongly believe that significant progress must be made in the area of human rights. I am convinced that our President wants concrete progress to be made in this vital area.

Improving relations between the United States and the Soviet Union can only be undertaken if a broad spectrum of issues are addressed. The Iceland discussions must not focus solely on arms control.

Human rights is important. They matter to all of us. This country was founded on the principle that the individual human being does count. We cannot ignore this basic American value during the upcoming talks.

I wish the President well in his meeting in Iceland and commend him for his efforts to move forward along the road to improving relations with the Soviet Union.

I urge my colleagues to support this resolution.

Mr. Speaker, I have reserved the right to object in order to afford an opportunity for a colloquy between the gentleman from Pennsylvania [Mr. WALKER] and the chairman of the Committee on Foreign Affairs, the gentleman from Florida [Mr. FASCELL].

I yield to the gentleman from Pennsylvania.

Mr. WALKER. I thank the gentleman for yielding.

Mr. FASCELL. I say to the gentleman if he would yield, I would be happy to respond.

Mr. WALKER. Mr. Speaker, now that we have some of the impatient people off the floor, maybe we can get a discussion as to what is in the resolution and see whether we can resolve some of my problems with the language as I see it. As I stated earlier, I am concerned about the fact that we do not specifically reference the problems in Afghanistan, the problems in Central America, the problems in Africa.

Is it my understanding that by raising the point about regional issues, it was the intent of the committee to include such matters as that in the resolution?

Mr. FASCELL. Mr. Speaker, will the gentleman from Michigan yield?

Mr. BROOMFIELD. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Absolutely. In paragraph A, where we talk about all of the matters, including regional issues, we are talking specifically about Afghanistan, Ethiopia, Angola, Nicaragua, all of the regional issues that are of importance between our bilateral relations, which is what the President is going to raise anyway. What we are saying here is, "Mr. President, we are behind that concept, absolutely."

Mr. WALKER. If the gentleman will remember, I also raised the question specifically of the captive nations of eastern Europe, which is not specifically referenced in the resolution. Is it my understanding that the language that suggests fulfilling the obligations undertaken in the signing of the Helsinki Final Act is meant to refer specifically to the captive nations problem?

Mr. FASCELL. Very definitely, of course, the whole Helsinki process. We are concerned with keeping the heat on all of those countries to abide by those commitments.

Mr. WALKER. I am also concerned, as I stated earlier, about the language in it that seems to specify or to make specific a request with regard to grain agreements. I would just like to clarify, if I could, that we are not in some way begging or groveling to the Soviets here to buy our grain but, rather, we are seeking to implement agreements already reached with them and that, indeed, this does not anticipate a grain sale at a cost to the taxpayers and contemplates that such grain sales would be for hard currency; is that the intent of the resolution?

Mr. FASCELL. The gentleman is absolutely right.

Mr. WALKER. So, we are talking about unsubsidized sales and we are also talking about sales for hard currencies under the agreement specified in the resolution.

Mr. FASCELL. Well, what we are talking about is insisting with the Soviets that they live up to the 1983 long-term agreement on the purchase of grain and that it be for hard currency, which is what the agreement provides.

I will say to the gentleman the question of price is negotiated by the administration and the Soviet Union.

I certainly would hope that the one offer that we made will never be made again, and that is to deal at a subsidized level because the world price is certainly good enough.

Mr. WALKER. I thank the gentleman for that statement because I certainly agree with him on that. I think that was a mistake on the part of this Nation, and it was in hopes of clarifying that point that I raised the question.

With that legislative history with regard to the resolution, I see no problem with it.

I thank the gentleman very much for yielding.

Mr. FASCELL. I thank the gentleman.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. I thank the gentleman for yielding.

Mr. Speaker, I rise in strong support of the House resolution endorsing President Reagan in his October 11-12 meeting with General Secretary Gorbachev in Reykjavik, Iceland. I want to thank the chairman of the Committee on Foreign Affairs, the distinguished gentle-

man from Florida [Mr. FASCELL], and the ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD], for bringing this resolution to the floor in such a timely manner.

Mr. Speaker, frank communication between the United States and the Soviet Union is vital as the United States seeks to advance the cause of human rights, to achieve human rights, to achieve mutual and verifiable arms control agreements, and to promote freedom and democracy throughout the world.

The prayers and hopes of millions of Americans go with the President as he leaves for Iceland. We want him to be open to all new suggestions, yet firm in his defense of our values and interests. We support President Reagan in his efforts to achieve meaningful progress in the areas of human rights, trade, bilateral relations, regional issues, and mutual and verifiable arms control agreements.

Among other issues, it is essential that the President insist that the Soviet Union fulfill certain vital commitments that it has made. In this resolution, we urge the President to enforce the Soviet Union's pledge to purchase 9 to 12 million metric tons of wheat from the United States annually in accordance with the 1983 long-term grain agreement. Even more importantly, we urge the President to insist that the Soviet Union fulfill the commitment made in Geneva by General Secretary Gorbachev to come to the United States for a full-scale summit meeting.

The most important thing for all of us to bear in mind is that the United States truly wants peace and will make every effort to achieve peace at the meeting in Reykjavik and thereafter.

Accordingly, I urge my colleagues to join me in support of the House resolution endorsing President Reagan in the October 11–12 meeting with General Secretary Gorbachev in Iceland.

Mr. BROOMFIELD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

Mr. GONZALEZ. Mr. Speaker, reserving the right to object, I rise under this reservation to point out that we are endorsing a resolution felicitating and wishing well a President that up until yesterday is telling the Nation and the world that he is going to this conference with his hands tied behind him by the Democratic Members of the Congress. I have heard no withdrawal of that attack on those of us that happen to be Democratic Members of the House. So, I want to ask the gentleman, the very distinguished chairman of the Committee on Foreign Affairs, if he has any knowledge that the President has retracted this statement? Sunday on the front page of the Washington Post we had our distinguished majority leader telling the President that the Democrats were certainly not tying his hands, offering the olive branch, only to have the President use the olive branch as a club over every one of our collective Democratic heads in the Congress. I cannot see how I can in good faith wish the President well under those circumstances on the eve of a November election in which he knows he is doing his best to have every Democratic candidate defeated. I do not think it is fair to those of us who proudly proclaim our membership as standard bearers of the Democratic Party.

Mr. FASCELL. Mr. Speaker, will the gentleman from Texas yield?

Mr. GONZALEZ. I yield to the gentleman from Florida.

Mr. FASCELL. I thank the gentleman for yielding.

Mr. Speaker, I can understand the gentleman's frustration. I cannot do much about what time of the year it is. We go through this all the time. The gentleman and I know that the President's hands are not tied. We also know that the legislation that is pending has so many loopholes in it with respect to the President's ability that even if it became law, which it is not now, it is just a matter of discussion in the Congress between the parties and between the other body and this body. We have not concluded anything. And even that would not tie hands. So, I will say to the gentleman that as one of those people who is really the salt of the Earth and has great faith in the American people that I would continue, if I were him, to rely on the common sense of the American people to make the right decisions in November. I am certain they will in the gentleman's case, I know that for sure, and I am sure they will do that in other cases.

Puffery, or a slight amount of exaggeration or the use of fear, hyperbole, is not to be unexpected. I will fight, along with the gentleman, for our Democratic principles as hard as anybody else and as hard as the gentleman does, but I see nothing wrong in congratulating or extending our best wishes, if you will, to the President of the United States as he goes off to a very important meeting. He may resolve some of these issues that we are talking about on which he says his hands are tied. We know his hands are not tied. I wish him well. I know you do. And if he comes back with an agreement, we will have an opportunity to examine it. But that is the purpose of the presummit.

And I do not see anything wrong with urging the President to insist on raising all of these issues which we have here with our adversary.

I thank the gentleman for yielding.

Mr. GONZALEZ. Let me say I believe in SALT, whether it is the salt of the Earth, but what I do not believe in accepting is sulfuric acid poured over my head in the name of negotiations.

Mr. FASCELL. If the gentleman will yield, I do not blame him. It is politics. The place to resolve that is——

Mr. GONZALEZ. I ask the gentleman again, does he have any knowledge?

Mr. FASCELL. No.

Mr. GONZALEZ. That the President has ameliorated?

Mr. FASCELL. No; I do not.

Mr. GONZALEZ. What I am telling the gentleman is that we have a Commander-in-Chief who has the tendency to blame everybody else for his failures. If he comes back and is denounced or exposed in the world press as having failed, he will say, "Well, I went there with my hands tied back by the congressional Democrats."

Mr. FASCELL. Will the gentleman yield at that point?

Mr. GONZALEZ. I am saying I do not think we ought to accept that. I do not think we ought to sit here and with impugnity, abjectly say, "Mr. President, even though you are vituperating all over our heads, we wish you well." You know, the gentleman really ought to know that some of us do have a little bit of dignity and pride based on the fact that we proudly proclaim ourselves Democratic Party Members of the House of Representatives.

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And I do not think that we ought to take these charges from the Chief Executive of the Nation without some kind of protest. I do not see myself having any good will in subscribing to this resolution. And since I do not have a chance to vote on it. I must object.

The SPEAKER pro tempore (Mr. KILDEE). Objection is heard.

Mr. WRIGHT. Mr. Speaker, will the gentleman reserve the right to object?

Mr. GONZALEZ. Mr. Speaker, I do so at the request and in obedience to the majority leader.

Mr. Speaker, under my reservation of objection, I yield to the distinguished majority leader, Mr. WRIGHT.

Mr. WRIGHT. Mr. Speaker, I fully understand the feeling expressed by my friend from Texas. It is a feeling shared by a great many people here.

Obviously; it is unfair for any President to seek to characterize members of the other political party as tying his hands or as giving to the Soviet Union that which they could not gain through bargaining. Obviously, that is not an accurate description under any circumstances of what has happened.

Let me suggest to my dear friend, the gentleman from Texas, that there come certain times in the history of a country when those of us who may feel that we have been grieviously wronged, nevertheless in the transcendent interest of peace on Earth and in our national interest will rise above those otherwise legitimate considerations. In an effort to demonstrate to the world that we are one Nation and, under this Constitution, only one person can speak for us in the councils of the world, may we

show that we go the second mile, that we turn the other cheek, and that we wish him well in his efforts to bring about a reduction in the tensions that beset this Earth of ours. If that means that we swallow hard and accept a certain amount of unfair criticism, then let us demonstrate a willingness to do that in the interest that transcends any petty partisan consideration, so that we give support in this overriding effort to this man who does represent our hopes for reducing the tensions of the world and our hopes for creating some opportunity to reduce these terrible burdens that both countries bear in trying to pay for an ever-increasing arms race.

Let us say, "Mr. President, we wish you well." It does not cost us anything to say that, and we do wish him success in these negotiations. I know the gentleman from San Antonio wishes him success in the negotiations, even notwithstanding the harshly partisan things Mr. Reagan may have unfairly said that would reflect unkindly upon the gentleman's party and my political party.

Mr. GONZALEZ. Mr. Speaker, I have always resented very much somebody coming over and pouring a bucketful of manure, and then trying to tell me that it is talcum powder. And this is what we have let our illustrious President get away with time and time again with absolutely no comment on the part of those who are being accused falsely, maliciously, predeterminately, calculatingly, coldly, and with malice of forethought.

But out of reluctant obedience to the distinguished fellow Texan, I will withdraw my objection.

Mr. WRIGHT. Mr. Speaker, I thank the gentleman. I think the gentleman has demonstrated the greatness of his spirit and the real bigness of his heart.

Mr. GONZALEZ. Mr. Speaker, if I might continue, I do not plead guilty to that amount of graciousness.

Mr. Speaker, I withdraw my reservation of objection.

Mr. FASCELL. Mr. Speaker, I rise in support of the resolution.

This resolution was adopted unanimously this morning by the Committee on Foreign Affairs. It expresses the Congress' support for President Reagan in his Reykjavik summit this weekend with General Secretary Gorbachev and the hope that the meeting will result in concrete progress in the areas of human rights, trade, bilateral relations, regional issues and arms control.

Mr. Speaker, it is important that the Soviet leader be aware of the Congress' continuing concern about the Soviet refusal to abide by its international human rights commitments such as the 1975 Helsinki Final Act. President Reagan has announced his intention to raise this issue with General Secretary Gorbachev in Iceland. This resolution bolsters the President's efforts in that regard and puts the Soviet Union on notice that the Congress and the American people want and expect concrete results in this crucial area.

Similarly, this resolution expresses the Congress' concern about the Soviet Union's failure to honor its obligations under the 1983 Long-term Grain Agreement by purchasing 9 to 12 million metric tons of grain from the United States annually. Between September 30, 1985 and September 30, 1986, the U.S.S.R. purchased only 4 percent of the wheat it was obligated to purchase. The Soviet failure to purchase this grain has contributed to the 29-percent decrease in the volume of U.S. wheat exports over the last year. This resolution urges the President to insist that the U.S.S.R. honor its bilateral agreements in this important field.

Last, the resolution urges President Reagan to insist that General Secretary Gorbachev fulfill his pledge to come to the United States for a summit later this year or early next. It is important that the Soviet leader know that the American people are expecting him to live up to the commitment he made in Geneva to visit the United States in the near future.

Mr. Speaker, it appears to me that at least some agreements are possible, even at the so-called presummit summit.

I hope we will see something on INF and nuclear testing, even if they are only interim agreements. Certainly some steps—like an agreement to establish risk reduction centers—could be taken at Reykjavik.

In the trade area, perhaps we will see an agreement for the Soviets to purchase the grain they had already promised to buy. While I am concerned about the whole idea of providing American taxpayer subsidies to Soviet housewives, we ought to at least insist—and expect—that the Soviets live up to their agreements. Lord knows, our farmers expect it and they badly need help.

On human rights, I hope we will see more than rhetoric or tokenism. No one was happier than I was to see Helsinki Monitors Anatoly Shcharansky and Yuri Orlov allowed to go free. We must remember, however, that Andrei Sakharov and his wife are still in internal exile, that there are hundreds of thousands of Jews who wish to emigrate, Christians who want to practice their faith, Americans who want only to live together with their Soviet spouses and relatives, human rights activists who want simply to have the Soviet Union live up to its commitments under principle seven and basket three of the Helsinki accords. Promises are not enough—we've had promises since 1975 when we all signed the Helsinki Final Act. What we need now are deeds—like for instance, several thousand rather than several hundred Jews allowed to emigrate during the months ahead, the release of the other imprisoned Helsinki monitors, the reunification of families and the restoration of Dr. Sakharov's and Ms. Bonner's civil and political rights.

There are some who believe that Mr. Gorbachev didn't want to come to America because he didn't want the world to see the demonstrations for human rights that were planned during his visit. I hope that Reykjavik is not a substitute for a summit meeting in the United States. Once again, Mr. Gorbachev made a commitment to come to the United States before the end of 1986. I hope we aren't letting him get out of that commitment. I'm sure we won't see any large demonstrations in Iceland. There will be very few dissidents—or demonstrators—or, for that matter, democrats—in Iceland. The least we can expect is to see a fixed date for an American summit—either this year, as originally promised, or early next year.

And, of course, we hope we won't see an agreement that allows certain highlevel KGB operatives to stay in New York at the Soviet Mission to the United Nations. The President should make it clear that the KGB is not welcome and will be dealt with firmly and swiftly when they spy in America.

We all hope that we will see some progress on the main issues of arms control. At least we should expect to see a conceptual framework and firm instructions for our negotiators to move toward success in Geneva.

I would hope that the same kind of conceptual framework for the resolution of regional issues like Afghanistan, Angola, and Nicaragua might be worked out.

What this resolution says—basically—is "stick to your guns, Mr. President, and we will all support you."

I urge the unanimous adoption of this resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Florida?

There was no objection.

The Clerk read the concurrent resolution, as follows:

H. CON. RES. 406

Whereas a stable relationship between the United States and the Soviet Union is vital to world peace and the security of the United States and its allies; and

Whereas frank communication between the United States and the Soviet Union is essential as the United States seeks to advance the cause of human rights, to promote freedom and democracy throughout the world, and to achieve mutual and verifiable arms control agreements: Now, therefore, be it

Resolved, by the House of Representatives (the Senate concurring), That

(a) The Congress supports President Reagan in his efforts to achieve meaningful results in his October 11-12 meeting with General Secretary Gorbachev in Reykjavik, Iceland, and expresses the hope that concrete progress in the areas of human rights, trade, bilateral relations, regional issues and mutual and verifiable arms control agreements will result from this meeting.

(b) The House of Representatives urges the President to insist that the Soviet Union fulfill the obligations it undertook in signing the Helsinki Final Act, particularly the provisions on human rights and humanitarian cooperation.

(c) The House of Representatives urges the President to insist that the Soviet Union fulfill its commitment to purchase 9-12 million metric tons of grain, including 4 million tons of wheat, from the United States annually in accordance with the 1983 long-term grain agreement.

(d) The House of Representatives urges the President to insist that the Soviet Union fulfill the pledge General Secretary Gorbachev made in Geneva to come to the United States.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

SENSE OF CONGRESS THAT THE SOVIET UNION SHOULD IMMEDIATELY PROVIDE FOR EMIGRATION OF NAUM MEIMAN AND INNA KITROSSKAYA-MEIMAN

Mr. YATRON. Mr. Speaker, I ask unanimous consent that the Committee on Foreign Affairs be discharged from further consideration of the concurrent resolution (H. Con. Res. 404) expressing the sense of the Congress that the Soviet Union should immediately provide for the emigration of Naum Meiman and Inna Kitrosskaya-Meiman and for the resolution of all divided family and emigration cases, and ask for its immediate consideration.

The Clerk read the title of the concurrent resolution.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. BROOMFIELD. Mr. Speaker, reserving the right to object, for too long the Soviet Union has flaunted its noncompliance with its international commitments on human rights. I support this resolution which expresses the sense of the Congress that the Soviet Union should live up to these solemn obligations, and in particular, in several serious and specifically enumerated cases.

This legislation calls for immediate approval by the Soviet Government of the exit visa applications of Dr. and Mrs. Meiman. There is no justification for the continued harrassment of this respected couple.

Moreover, I am very familiar with the serious problem of divided spouses. I have personally worked with representatives of the divided spouses coalition in their efforts to be reunited with spouses who have been refused permission to emigrate from the Soviet Union. This resolution emphasizes our strong desire to see the Soviet Union cease its inhumane threatment and separation of a number of spouses.

Therefore, I strongly urge my colleagues to approve this resolution.

Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. GILMAN].

Mr. GILMAN. Mr. Speaker, I rise in strong support of the resolution before the House, and would especially like to commend the distinguished chairman of our Foreign Affairs Committee, the gentleman from Florida, [Mr. FASCELL] and our ranking minority member, the gentleman from Michigan [Mr. BROOMFIELD] and the district chairman of the Subcommittee on Human Rights, the gentleman from Pennsylvania [Mr. YATRON] for their leadership in moving this bill to the floor just prior to President Reagan and Secretary of State Shultz' departure for Iceland tomorrow.

House Concurrent Resolution 404 expresses the sense of Congress that the Soviet Union should immediately provide for the emigration of Dr. Naum Meiman and his extremely ill wife, Dr. Irina Kitrosskaya-Meiman. This measure also reiterates its strong faith and support of the Helsinki Final Act and the International Covenant on Civil and Political Rights, as well as the precepts of the Universal Declaration on Human Rights. Additionally, this bill urges the resolution of the many divided family and emigration cases which have been the subject of so many efforts by Members of Congress.

Dr. Naum Meiman and his wife Inna, have been refuseniks for many years. In the past few years, however, their situation has worsened dramatically. Mrs. Meiman continues to suffer from a particular type of cancer that is nontreatable in the Soviet Union. She has undergone several operations to remove the tumors at the back of her neck, and so much tissue has been removed that she can barely hold her head up. Soviet doctors do not have any other treatment they can give her, yet emigration officials refuse to allow her and her husband to leave in order to obtain the necessary care that could save her life.

Dr. Meiman, in ill health himself, was a member of the Moscow Helsinki Monitoring Group founded by Dr. Yuri Orlov, Natan Shcharansky, and Dr. Andrei Sakharov. He is a leader in the Soviet Jewish refusenik community, and has worked tirelessly to obtain proper medical care for his wife. The Meiman family, and so many others, are languishing without hope unless we continue to actively appeal on their behalf.

The past year has seen the release of a number of well-known Prisoners of Conscience and Helsinki Monitors. The Soviet Union has made several gestures, one of which was the release of Dr. Yelena Bonner from exile in Gorky to obtain a sextuple heart bypass in the West. Yet, with the few overtures that have been made in the areas of family reunification and the freedom of a number of activists, the plight of those who remain behind is only heightened that much more.

As President Reagan and Soviet leader Mikhail Gorbachev prepare to meet in Iceland this weekend, Congress and the American people reiterate our deep commitment to individual human rights, freedom for Soviet Jews, and other minorities behind this Iron Curtain and indeed, the underscoring of our desire to see the Soviet Union comply with the international human rights precepts to which they are signatory. House Concurrent Resolution 404 is an important expression of that commitment. Accordingly, I urge our colleagues to support the bill.

Mr. BROOMFIELD. Mr. Speaker, further reserving the right to object, I yield to the gentleman from New York [Mr. SOLOMON].

Mr. SOLOMON. Mr. Speaker, we all rejoice in the release from captivity of Yuri Orlov and his wife. Dr. Orlov endured 9 years of harassment, imprisonment, torture, and exile. His crime: Trying to hold the leaders of the Soviet Union accountable to the pledges they made when they signed the Helsinki Final Act.

But as this resolution makes clear, there are others still in the Soviet Union—there are others yet behind whose only crime is to assert their rights that the Soviet Union pledged to uphold at Helsinki. It is to them that this resolution is addressed. And coming on the eve of the summit in Iceland this coming weekend, this resolution will serve to reinforce President Reagan's promise to place the issue of human rights firmly on the Agenda for discussion.

In the final analysis, Mr. Speaker, there can be no true peace—and there can be no reason to believe Soviet agreements on arms control—as long as the Soviet regime is bent on violating the Helsinki accords and continues to crush any and all vestiges of free expression.

We must continually pass resolutions of this kind—and at the appropriate times we must focus, as this resolution does, on specific individuals whose cases are so compelling that they come to symbolize the oppression of an entire people, an entire religion.

And so I urge adoption of the resolution.

Mr. BROOMFIELD. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

Mr. FLORIO. Mr. Speaker, reserving the right to object, and I will not object, I just want to say that I went to the Soviet Union during the summer, met these particular people and many of the others. What the gentleman does is a work of mercy, and I think this should be supported by all the Members of the Congress.

Mr. Speaker, I rise in support of the House Concurrent Resolution 404 expressing the sense of the Congress that the Soviet Union should permit Nahum Meiman and his wife Inna Kitrosskaya-Meiman to emigrate and cooperate in resolving the numerous outstanding divided families cases. I would like to commend my colleague, Congressman TIM WIRTH for his leadership in introducing this legislation and I am pleased that it is being considered in such a timely fashion.

Mr. Speaker, on my recent trip to the Soviet Union, I had the unforgettable opportunity to

meet with the Meimans, as well as a number of individuals in similar situations. The Meimans are not unique in their long-term efforts to obtain visas from the Soviet Government in order to emigrate and join families and friends in the West. Their tragedy, however, has been compounded by the fact that Inna Meiman, a 53-year-old English teacher, is dying of cancer diagnosed in 1983.

I also had the opportunity to meet a number of individuals who have married American citizens but are being denied the right to be reunited with their families in the West. I spoke with Svetlana Braun, wife of Keith Braun, Sonya Melnikova-Eichenvald, wife of Michael N. Lavigne, and Dimitriy Vlasenkov, husband of Siobhan Darrow. Their plight is disheartening in that not only are they unable to live with their spouses, but they are also harassed, beaten, and followed.

The case of Inna Meiman deserves special attention. After four hazardous operations, Soviet doctors have informed her that they cannot do anything more for her and have abandoned her to her fate. It is both tragic and ironic that Inna has been accepted by the Sloan-Kettering Experimental Program in New York and invited by other oncological clinics in Sweden, France, and Israel. She is being denied the right to treatment because her husband, Prof. Nahum Meiman was involved in some work for the Soviet Academy of Sciences at the dawn of the atomic age. This work has since lost its importance and professor Meiman's knowledge poses no threat to Soviet authorities.

I would like to quote from a open letter to General Secretary Gorbachev which Professor Meiman wrote and shared with me. He writes:

My wife's life is being sacrificed in the name of imaginary security for the Soviet Union which would supposedly be threatened if this piteously sick woman were allowed to take advantage of invitations to go abroad for treatment. It is in your power to prevent such a crime against humanity. If not, what is all your pathos worth?

Last week, 66 of my colleagues joined me in sending a letter to General Secretary Gorbachev on behalf of Inna Meiman and several other cancer victims. I wanted to share with my colleagues the text of this letter and urge their support for this worthwhile resolution. The letter follows:

HOUSE OF REPRESENTATIVES,
Washington, DC, October 1, 1986.

Hon. MIKHAIL GORBACHEV,
General Secretary, The Kremlin, Moscow, RFS, U.S.S.R.

DEAR MR. GENERAL SECRETARY: We are writing on behalf of a group of individuals who desperately need to emigrate from the Soviet Union to seek further treatment for their disease and join their families during this difficult period. We appeal to you on behalf of Inna Meiman, Benjamin Charny, Rimma Bravve, Leah Mariasin, and Edward Erlikh.

These five individuals share a common tragedy in that they all suffer from serious forms of cancer and have received unsuccessful treatments and operations in the Soviet Union. A number of them have been invited to participate in experimental treatment programs in the West and there remains some hope for treatment. The nature of their illness requires the presence and emotional support of their families. Unfortunately, although these individuals have applied for visas on numerous occasions, they have been refused and they are numered among the thousands of Soviet Jewish refuseniks who wish to leave the Soviet Union and be reunited with their families.

A number of us have visited with these individuals on visits to the Soviet Union and others have monitored reports of their cases. But all of us have been touched by their bravery and their pleas, and have been impressed with the need for urgency in favorably resolving these emigration cases and permitting these individuals to seek further treatment in the United States and nations where this treatment is available as soon as possible.

We join in urging you to allow Inna Meiman, Benjamin Charny, Rimma Bravve, Leah Mariasin, and Edward Erlikh to leave the Soviet Union and join their relatives in the West where they can consider alternative treatments in the supportive environment of their families.

Sincerely,

Dante B. Fascell, James J. Florio, Timothy E. Wirth, Lawrence J. Smith, Dave McCurdy, Albert G. Bustamante, Dean A. Gallo, James L. Oberstar, Bill Green, Edolphus Towns, Vic Fazio, Lane Evans, Jim Courter, Barney Frank, Tommy F. Robinson, Sander M. Levin, Joe Moakley, George C. Wortley, Robert G. Torricelli, Don Ritter, Matthew G. Martinez, Bill Richardson, John M. Spratt, Jr., Major R. Owens, Ken Kramer, Barbara A. Mikulski, Bill Archer, Charles E. Schumer, Mel Levine, Richard J. Durbin, Patricia Schroeder, Mike Synar, Raymond J. McGrath, Claude Pepper, James J. Howard.

Philip R. Sharp, Bill Nelson, Ted Weiss, Edward F. Feighan, Sidney R. Yates, Peter H. Kostmayer, Jim Kolbe, John McCain, Norman F. Lent, Joseph M. McDade, Les AuCoin, John Edward Porter, Alton R. Waldon, Jr., Robert J. Lagomarsino, Chester G. Atkins, Bruce A. Morrison, Thomas R. Carper, William J. Hughes, Howard Wolpe, Marge Roukema, Vin Weber, Robert A. Roe, John Bryant, Robert J. Mrazek, Don Edwards, Frank R. Wolf, David E. Bonior, Charles A. Hayes, William O. Lipinski, Jim Saxton, Neal Abercrombie, Dan Glickman, and Bernard J. Dwyer.

Mr. FLORIO. Mr. Speaker, under my reservation of objection, I yield to the gentleman from Colorado [Mr. WIRTH].

Mr. WIRTH. Mr. Speaker, I would like to thank the chairman of the Foreign Affairs Committee, DANTE FASCELL, for bringing House Concurrent Resolution 404 to the House floor. Along with Chairman YATRON of the Human Rights Subcommittee, Chairman FASCELL has made it possible for the House to endorse this important statement for human rights on the eve of the Iceland summit meeting.

House Concurrent Resolution 404 is an updated version of House Concurrent Resolution 317, which I introduced last spring with my distinguished colleagues, Mr. GILMAN and Mr. SIKORSKI. That resolution now carries the bipartisan cosponsorship of 218 other Members of the House.

House Concurrent Resolution 404 calls on the Soviet Union to approve immediately the exit visas for Dr. Naum Meiman and his wife, Inna Kitrosskaya-Meiman. It also calls on the Soviets to resolve all outstanding divided spouses and separated family cases between the United States and the Soviet Union and to guarantee to all Soviet citizens the right to emigrate to the country of their choice. Passage of this resolution would signal President Reagan and Secretary Gorbachev that these concerns should be of the highest priority on the Iceland agenda.

It is indeed a shame that we need to consider this resolution here today. One would have expected that, in the aftermath of Tolya Shcharansky's release, we could have greeted the future of Soviet Jewry with greater hopes and expectations. But we cannot do that. As Dr. Meiman recently wrote, Tolya's "release is not a victory for us, because we are now further away from reaching the goals Tolya fought for when we struggled together."

Dr. Meiman grimly reminds us that nothing has changed:

Fewer than 1,000 Jews will likely be allowed to emigrate this year (as compared with 51,000 in 1979).

Contrast that with the number of Jews who seek to emigrate from the Soviet Union: 400,000. 400,000 free people in waiting.

Dr. Meiman and his wife are two of those 400,000 suffering people. Both have sought emigration visas so that they may get the medical attention they urgently need and so they may reunite with their daughter, Olga, who lives in the district I represent.

Dr. Meiman applied in 1974 for permission to leave the country but was denied, and has been turned down ever since, because the Soviets allege that his work as a physicist is of a secret nature.

Mr. Speaker, what a spurious claim! Since 1955, Dr. Meiman's work has been openly published in Soviet scientific journals. A signed statement from the director of a key Soviet institute for the study of physics confirmed that Dr. Meiman's work has not been classified.

Bravely, despite these lies, despite KGB harassment and their deteriorating health, the Meimans continue to press for their right to emigrate. And they have worked for other Jews' right to emigrate, as well. Dr. Meiman, along with Tolya and Dr. Andrei Sakharov, has been a leader in the Helsinki Monitoring Committee in the Soviet Union, which monitors the implementation of the Helsinki human rights accords. Accompanied by his wife, he

has been a determined fighter for human rights in the Soviet Union.

By passing House Concurrent Resolution 404 today, we continue our efforts in support of their battle—and in support of the countless battles being waged by all victims of the brutal Soviet system. It is our way of letting the Soviets know that we will not tolerate their relentless campaign to snuff out freedom. It is our signal to the Soviets that they have not won our favor by releasing Tolya Shcharansky or Yuri Orlov. We will not relent until Naum and Inna and their compatriots can emigrate to the lands of their choice, until they can join their loved ones abroad.

I urge my colleagues to vote for this important resolution, and again want to thank Chairman FASCELL and Chairman YATRON for their help in bringing House Concurrent Resolution 404 to the floor today.

Mr. FASCELL. Mr. Speaker, I rise in support of the resolution.

House Concurrent Resolution 404, introduced by my distinguished colleague Mr. WIRTH, expresses the Congress' concern about the Soviet Union's continuing disregard for their international human rights commitments and focuses particular attention on the tragic plight of Dr. Naum Meiman and his wife, Inna Kitrosskaya-Meiman.

I had the pleasure of meeting Dr. Naum Meiman, a member of the Moscow Helsinki Monitoring Group and a leader in the Soviet Jewish refusenik community, in Moscow in April. Dr. Meiman has been trying to emigrate since 1974; his wife since 1979. They seek to be reunited with his daughter, Olga Plam, a naturalized American citizen who lives in Boulder, CO.

The 75-year-old scientist spoke to me about his wife, who is terminally ill with cancer and is in desperate need of medical treatment that is unavailable in the Soviet Union. Mrs. Meiman's life literally depends on the Soviet Government's willingness to abide by its international commitment in the Helsinki Final Act to "deal in a positive and humanitarian spirit with applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character—such as requests submitted by persons who are ill or old." I regret to note that the Soviet authorities have, thus far, been little moved by either their international obligations or the many humanitarian appeals in Mr. Meiman's behalf.

Unfortunately, the Meiman family is not alone in this plight. At least 300 other Soviet citizens, some of whom are old or ill, have repeatedly been denied by the Soviet Government permission to rejoin their family members in the United States. Some 20 Soviet spouses have been refused the right to live with their American spouses in this country, including one family that has been separated for over 30 years. At least 400,000 other Soviet Jews have indicated their desire to emigrate and, to date, have been prevented from doing so. Other Soviet Jewish refuseniks in dire need of immediate treatment for cancer include Benjamin Charny, Rimma Bravve, Leah Mariasin, and Edward Erlikh. Over 100 American cancer specialists recently have appealed to General Secretary Gorbachev in their behalf, urging that these refuseniks, including Mr. Meiman, and their families be given permission to leave the Soviet Union for treatment.

News reached the West last week that another Soviet Jewish cancer victim and long-term refusenik, Tatiana Bogomolny, and her husband, Benjamin, had finally been granted permission to emigrate from the Soviet Union. We are hopeful that the welcome news of the Bogomolny family's emigration will be followed by the resolution of these other cases, including Dr. and Mrs. Meiman.

Mr. Speaker, I'd like to commend the distinguished chairman of our Subcommittee on Human Rights and International Organizations, Mr. YATRON, for his continuing leadership on this important issue and for bringing this timely resolution to the attention of the House before the meeting this weekend in Iceland between President Reagan and General Secretary Gorbachev. I urge its unanimous adoption.

Mr. YATRON. Mr. Speaker, I rise in strong support of House Concurrent Resolution 404, legislation calling on the Soviet Union to permit Naum Meiman and Inna Kitrosskaya-Meiman to emigrate, and to resolve all divided family and emigration cases. Dr. Neiman, a leading Soviet Jewish refusenik, and his wife have attempted to emigrate from the Soviet Union for over 10 years. They want to be reunited with their daughter in the United States. But the time for this reunion is growing short since Mrs. Neiman is terminally ill with cancer.

The plight of the Neimans serves as a painful reminder of the thousands of Soviet citizens who are held captive by their government—a government unwilling to honor its commitment to the Helsinki Final Act, a government having no regard for individual liberty and justice. And a government emphasizing repression rather than reunification. Once again, we call on that same authority to release two of their prisoners, two very needy, very brave individuals.

As chairman of the Subcommittee on Human Rights and International Organizations, I am convinced that we must continue to put pressure on the Soviet Union. For this reason, the subcommittee has held numerous hearings and numerous markups on the Soviet Union during my tenure as chairman. We must not ignore one offensive act, whether it is a denial of emigration, a denial of intellectual, religious, or political freedoms, or the denial of dignity so necessary for the human spirit.

Today, we in the U.S. Congress intercede on behalf of the Meimans and all other unresolved emigration cases. Tomorrow, today's demands of the Soviet Union on behalf of its citizenry will not be forgotten. We must continue our fight until not even one person is barred from leaving the Soviet Union, or from living a life free from oppression within this East bloc country.

I would like to commend the gentleman from Colorado [Mr. TIM WIRTH] for this very worthwhile resolution. Its passage will signify our dedication and sincerity to the Meimans and countless others who look to our country for support.

Mr. MOLINARI. Mr. Speaker, I rise in support of the resolution and applaud my colleagues for bringing to the floor House Concurrent Resolution 404 expressing the sense of Congress that the Soviet Union should immediately provide for the emigration of Noam Meiman and Inna Kitrosskaya-Meiman and for the resolution of all divided family and emigration cases.

I commend the President for his resolve to raise the issue of human rights and specifically that of Soviet Jewry, at the upcoming presummit with General Secretary Mikhail Gorbachev. I believe that this presummit allows the opportunity to focus upon one of the major differences between our two countries—that of human rights. In our attempt to come to an agreement on arms control we must again be firm on our commitment to the release of those who wish to leave the Soviet Union.

Sovietologists have said that General Secretary Gorbachev is in stark contrast to his predecessors in that he is willing to open up the Soviet society. Yet we have not seen this with regard to human rights. Many hundreds of thousands of Soviet Jews want to emigrate and are unable to. These refuseniks are being persecuted by the KGB and Soviet police for the crime of wanting to emigrate and take up residence in a free country. I can only hope that these experts are right about the General Secretary and that he will now allow free emigration.

One might think with such well-known refuseniks such as Anatoly (Natan) Scharansky, Ilya Essas, Vladmir Brodsky, Yakov Gorodetsky, Grigory, and Isai Goldstein being allowed to emigrate this year that overall Soviet Jewry emigration has increased. Just the opposite is true. Soviet Jewry emigration has reached an all-time low. If the figures continue at the present rate, less Soviet Jews will leave the U.S.S.R. this year than in any other year. Through September only 631 Soviet Jews have been allowed to emigrate. This figure includes all the well-known refuseniks. So, despite all the fanfare on the release of these well-known refuseniks, emigration has actually worsened.

My own adopted refusenik Aleksandr Paritsky was reported in early September to be in a Moscow hospital for serious heart ailments. He is physically fragile and weak. I call upon the General Secretary to allow Aleksandr to emigrate to Israel where he can receive some of the best medical attention in the world. It is bad enough to be kept in a country against ones will. It is even worse when ones medical condition is fragile. A positive action by the General Secretary will not only be a humanitarian gesture but will indicate to us all that the General Secretary is acting in good faith in an attempt to relieve the human rights problems that exist in his country.

I am hopeful that at the presummit President Reagan can persuade Gorbachev that we will not compromise on his country's human rights violations. The success of the presummit will surely be judged in part based upon Gorbachev's actions on human rights.

Mr. FLORIO. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

The clerk read the concurrent resolution, as follows:

H. CON. RES. 404

Whereas the Helsinki Final Act of the Conference on Security and Cooperation in Europe commits the signatory countries to respect human rights and fundamental freedoms;

Whereas the signatory countries have pledged themselves to "fulfill in good faith their obligations under international law";

Whereas the signatory countries to the Final Act have declared their responsibility to "deal in a positive and humanitarian spirit with applications of persons who wish to be reunited with members of their family, with special attention being given to requests of an urgent character—such as requests submitted by persons who are ill and old";

Whereas the Concluding Document of the Madrid Meeting of the Conference on Security and Cooperation in Europe provides for the signatories to "favorably deal with" and "decide upon" applications for family reunification and to decide on such applications "within six months";

Whereas the Universal Declaration of Human Rights affirms that "the family is the natural and fundamental group unit in society" and guarantees to everyone "the right to leave any country, including our own";

Whereas the International Covenant on Civil and Political Rights guarantees that "everyone shall be free to leave any country, including his own";

Whereas the Soviet Union signed the Helsinki Final Act and the Concluding document of the Madrid Meeting, is obligated to respect the Universal Declaration of Human Rights, and has ratified the International Covenant on Civil and Political Rights;

Whereas Naum Meiman, member of the Moscow Helsinki Monitoring Group and a leader in the Soviet Jewish refusenik community, and his wife Inna Kitrosskaya-Meiman have sought since 1974 and 1979, respectively, to emigrate from the Soviet Union;

Whereas Doctor Meiman and Mrs. Inna Kitrosskaya-Meiman seek to join their daughter, Mrs. Olga Plam, an American citizen, who currently resides in Boulder, Colorado;

Whereas Mrs. Inna Kitrosskaya-Meiman is terminally ill with cancer and both she and her husband, who is seventy-five years old, are in urgent need of medical treatment unavailable in the Soviet Union;

Whereas at least three hundred Soviet citizens, some of whom are old or ill, repeatedly have been denied permission to rejoin their spouses or other family members in the United States; and

Whereas four hundred thousand other Soviet Jews seek to emigrate from the Soviet Union: Now, therefore, be it

Resolved by the House of Representatives (the Senate concurring), That it is the sense of the Congress that the Soviet Union should abide by its international commitments in the Helsinki Final Act, the Concluding document of the Madrid Meeting of the Conference on Security and Cooperation in Europe, the Universal Declaration of Human Rights and the International Covenent on Civil and Political Rights and—

(1) immediately approve the exit visa applications of Dr. Naum Meiman and Inna Kitrosskaya-Meiman;

(2) resolve immediately the outstanding divided spouses and separated family cases between the United States and the Soviet Union;

(3) consider favorably and expeditiously the pending exit visa applications of all Soviet citizens who seek to rejoin their relatives or be reunited to their historic or national homeland; and

(4) guarantee to all Soviet citizens the right to emigrate to the country of their choice.

SEC. 2. The Congress calls upon the President to—

(1) take every opportunity, including at the upcoming meeting with General Secretary Gorbachev in Iceland, to press the Soviet Union to abide by its international commitments and allow the emigration of Doctor Meiman and Mrs. Inna Kitrosskaya-Meiman as well as the resolution of all other outstanding divided family and emigration cases; and

(2) instruct the United States delegation to the Vienna Meeting of the Conference on Security and Cooperation in Europe, scheduled to open on November 4, 1986, to pursue vigorously the case of Doctor Meiman and Mrs. Inna Kitrosskaya-Meiman and all outstanding divided family and emigration cases.

SEC. 3. The Clerk of the House shall transmit copies of this resolution to the Soviet Ambassador to the United States.

The concurrent resolution was agreed to.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. YATRON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks on House Concurrent Resolution 406 and House Concurrent Resolution 404, the two concurrent resolutions just agreed to.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from Pennsylvania?

There was no objection.

RISK RETENTION AMENDMENTS OF 1986

Mr. FLORIO. Mr. Speaker, I ask unanimous consent to take from the Speaker's table the Senate bill (S. 2129) to facilitate the ability of organizations to establish risk retention groups, to facilitate the ability of such organizations to purchase liability insurance on a group basis, and for other purposes, with a Senate amendment to the House amendment thereto, and concur in the Senate amendment to the House amendments

The Clerk read the title of the Senate bill.

The Clerk read the Senate amendment to the House amendments.

(For text of the Senate amendment to the House amendments, see proceedings of the House had earlier today.)

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

Mr. MICHEL. Mr. Speaker, reserving the right to object, and I will not object, but just to say that we have conceded on this side to bring this matter under a unanimous-consent order. It would then be expected that we would get to the immigration and naturalization measure.

I have made an announcement on our side at least that Members wishing to bring up pieces of legislation we are getting these last 2 days at least give the leader here 20 minutes notice and to have capsuled what they intend to bring up. Whether or not that is a good suggestion for the majority side or not, I think that is the way we are going to follow procedure on this side to expedite the business of the House with some order so that we know where we are coming from and not be caught unawares.

Mr. FLORIO. Mr. Speaker, we are about to take final action on the Liability Risk Retention Act of 1986. This is a very important measure which can help address the liability insurance crisis. I want to congratulate Mr. WYDEN and Mr. LENT for the successful completion of this legislation to which they have devoted so much effort.

The bill under consideration is one on which we in the House worked for many weeks in order to ensure a carefully balanced bill. By facilitating the formation of self-insurance groups and purchasing groups, the bill can help provide much-needed additional insurance capacity and alternatives to traditional insurance. At the same time, we have sought to provide protection for the public against potential commercial abuses.

To facilitate formation of risk retention groups and purchasing groups, the bill preempts certain State laws. Such preemption constitutes a somewhat novel role for the Federal Government regarding insurance regulation, an area of traditional State responsibility.

Due to the novelty of this approach, it is important that we follow the implementation of the new law very closely. To assist in that effort, the bill requires two reports to Congress by the Secretary of Commerce on implementation of the act. We in Congress will be watching closely to see whether the balance we tried to strike in the bill is maintained in implementation.

I hope that this bill will help many businesses and organizations that have been unable to obtain affordable insurance. The insurance crisis poses a complex challenge to all of us. With enactment of the present bill we will have taken an important first step toward addressing the crisis.

Let me add the following point:

On September 23, the House passed H.R. 5225 without objection. Immediately following passage the House took up S. 2129 and amended it with the text of H.R. 5225. Since passage of the House bill, the other body has

agreed to accept the House bill with several clarifications and the omission of the part of section 8(c) of the House bill relating to governmental units. This section would have added a new subsection 6(e) to the Product Liability Risk Retention Act of 1981, as amended. I wish to clarify why that provision has been deleted from the bill we are considering today.

It has been decided that the provision is unnecessary since there is nothing in the Product Liabiliity Risk Retention Act or the amendments under consideration that prevents States from doing what the deleted provision said they could do.

I would like to make one other clarification. To paraphrase the bill, liability is generally defined to mean legal liability for damages because of injuries to other persons or damage to their property, resulting from any business or operations. I want to make clear that the term operations includes commerical fishing operations or other maritime operations.

Mr. LENT. Mr. Speaker, during this Congress, we have all heard from our constituents about the liability insurance crisis. A liability horror story has made the news nearly every day. Many businesses are going bare and, thereby, risking financial disaster if severe losses should occur. With the passage of the legislation we are considering today, we will be able to tell our constituent that relief from the crisis is on the way.

S. 2129, the Risk Retention Act of 1986, will provide individuals and businesses a means of self help. They will no longer be totally dependent on the traditional liability insurance market. The legislation will also allow individuals and businesses to pool together to form their own insurance cooperatives. It will allow commercial liability insurance to be purchased on a group basis. The legislation stipulates that members of risk retention and purchasing groups must have similar liability. This will protect members from unintentionally assuming unknown and potentially costly insurance risks. To safeguard against potential abuse, each State insurance commissioner is provided authority to protect policyholders from any fly-by-night operations.

On September 23, the House passed H.R. 5225 without objection. Immediately following passage the House took up S. 2129 and amended it with the text of H.R. 5225. Since passage of the House bill, the other body has agreed to accept the House bill with several clarifications and the omission of the part of section 8(c) of the House bill relating to governmental units. This section would have added a new subsection 6(e) to the Product Liability Risk Retention Act of 1981, as amended.

It has been decided that the provision is unnecessary since there is nothing in the Product Liability Risk Retention Act or the amendments under consideration that prevents States from doing what the deleted provision said they could do. Does the gentleman agree?

I would like to make one other clarification. To paraphrase the bill, liability is generally defined to mean legal liability for damages because of injuries to other persons or damage to their property, resulting from any business or operations. I want to make clear that the term operations includes commercial fishing operations or other maritime operations.

Mr. Speaker, I believe that this bill will provide the relief our constituents so desperately need from the liability insurance crisis, and I urge my colleagues to support it. I would like to commend both Congressman WYDEN and Chairman FLORIO, as well as the Members of the other body, for their efforts on this bill. Without Congressman WYDEN's persistence, diligence, and willingness to compromise, it is unlikely this bill would be on its way to the President now. Without Chairman FLORIO's interest and hard work this bill would not be the excellent legislation it is. Finally, I would like to thank Chairman DINGELL for his cooporation and support in the craftings of this legislation.

Finallly, Mr. Speaker, no one pretends that risk retention and purchasing groups are a panacea. S. 2129 will not solve all the problems facing the liability insurance market. However, it will provide an alternative to the traditional insurance market. In this troubled time, it may be the most and the least we can do.

Mr. MICHEL. Mr. Speaker, I withdraw my reservation of objection.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New Jersey?

There was no objection.

A motion to reconsider was laid on the table.

□ 1140

PROVIDING FOR CONSIDERATION OF H.R. 3810, IMMIGRATION CONTROL AND LEGALIZATION AMENDMENTS ACT OF 1985

Mr. BEILENSON. Mr. Speaker, by direction of the Committee on Rules, I call up House Resolution 580 and ask for its immediate consideration.

The Clerk read the resolution, as follows:

H. RES. 580

Resolved, That at any time after the adoption of this resolution the Speaker may, pursuant to clause 1(b) of rule XXIII, declare the House resolved into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3810) to amend the Immigration and Nationality Act to revise and reform the immigration laws, and for other purposes, and the first reading of the bill shall be dispensed with. All points of order against the consideration of the bill for failure to comply with the provisions of sections 302(f) and 303(a) of the Congressional Budget Act of 1974, as amended, are hereby waived. After general debate, which shall continue not to exceed two hours, with one hour to be equally divided and controlled by the chairman and ranking minority member of the Committee on the Judiciary, and with fifteen minutes to be equally divided and controlled by the chairman and ranking minority member of each of the Committees on Agriculture, Education and Labor, Energy and Commerce, and Ways and Means, the bill shall be considered for amendment under the five-minute rule. In lieu of the amendments recommended by said committees now printed in the bill, it shall be in order to consider an amendment in the nature of a substitute consisting of the text of the bill H.R. 5665 as an original bill for the purpose of amendment. The substitute shall be considered as having been read, and all points of order against the substitute for failure to comply with the provisions of clause 5(a) of rule XXI, and with the provisions of sections 302(f) and 303(a) of the Congressional Budget Act of 1974, as amended, are hereby waived. No amendment to the bill or to said substitute shall be in order except the amendments contained in the report of the Committee on Rules on this resolution. Such amendments shall be considered only in the order in which they appear in said report and may only be offered by the sponsor designated in said report, or by the chairman of the appropriate committee, or his designee, where a committee is designated. Said amendments shall be considered as having been read and shall not be subject to amendment or to a demand for a division of the question in the House or in the Committee of the Whole, but shall each be debatable for the time specified in the report of the Committee on Rules on this resolution, to be equally divided and controlled by the proponent of the amendment and a Member opposed thereto, and all points of order against said amendments are hereby waived. At the conclusion of the consideration of the bill for amendment, the Committee shall rise and report the bill to the House with such amendments as may have been adopted, and any Member may demand a separate vote in the House on any amendment adopted in the Committee of the Whole to the bill or to the amendment in the nature of a substitute made in order as original text by this resolution. The previous question shall be considered as ordered on the bill and amendments thereto to final passage without intervening motion except one motion to recommit, which may not contain instructions. After the passage of H.R. 3810, it shall be in order to take from the Speaker's table the bill S. 1200 and to consider said bill in the House, and all points of order against the consideration of said bill for failure to comply with the provisions of sections 302(f) and 303(a) of the Congressional Budget Act of 1974, as amended, are hereby waived. It shall then be in order in the House to move to strike out all after the enacting clause of the said Senate bill and to insert in lieu thereof the provisions contained in H.R. 3810 as passed by the House, and all points of order against said motion for failure to comply with the provisions of sections 302(f) and 303(a) of the Congressional Budget Act of 1974, as amended, and with the provisions of clause 5(a) of rule XXI are hereby waived. It shall then be in order to move that the House insist on its amendment to the bill S. 1200 and request a conference with the Senate thereon. It shall then be in order to consider in the House, any rule of the House to the contrary notwithstanding, a bill containing the text specified in section two of this resolution, if offered by the chairman of the Committee on Ways and Means or his designee, debate on said bill shall continue not to exceed ten minutes, to be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means, or their designees, and the previous question shall be considered as ordered on said bill to final passage without intervening motion except one motion to recommit, which may not contain instructions.

SEC. 2. The text of the second House bill made in order for consideration by this resolution is as follows:

"Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Section 3306(c)(1)(B) of the Internal Revenue Code of 1954 is amended by striking out 'before January 1, 1988,' and inserting in lieu thereof 'before January 1, 1993,'."

The SPEAKER. The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

MOTION OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer a motion.

The Clerk read as follows:

Mr. SENSENBRENNER moves to postpone consideration of House Resolution 580 to Tuesday, October 14, 1986.

The SPEAKER. Under rule XI, the Chair cannot entertain that motion at this time.

In the opinion of the Chair, the motion to postpone consideration of House Resolution 580 is a dilatory motion within the meaning of clause 4b of rule XI, just as questions of consideration and motions to commit have been held dilatory under that rule.

Mr. SENSENBRENNER. Mr. Speaker, if I may be heard on this.

The SPEAKER. The Chair recognizes the gentleman from Wisconsin to speak to the propriety of his motion.

Mr. SENSENBRENNER. Mr. Speaker, I come to a different conclusion.

Mr. Speaker, there are two precedents in the House of Representatives, both dating from 1980 that state that—

A motion to postpone further consideration of a privileged resolution may be offered before the manager of the resolution has been recognized for debate and is debatable for 1 hour controlled by the Member offering the motion.

On May 29, 1980, the House was considering a privileged report and privileged resolution from the Committee on Standards of Official Conduct. A motion similar to the one which I have offered was entertained by the Chair and a point of order against consideration was overruled by the House.

During the consideration of that privileged resolution, after the House rejected the motion to postpone further consideration to a day certain, that action was reconsidered and based upon newly discovered evidence, upon reconsideration, the motion was passed.

Rule XI, clause 4(a) defines privileged reports in amendments, and it puts on a level of the privilege attaching to a report of the Committee on Standards of Official Conduct reports of the Committee on Rules.

□ 1150

Clause 4(a) of rule XI must be read in conjunction with clause 4(b), which the Speaker previously cited.

Section 727 of the Rules of the House of Representatives defines questions of privilege, and it states, in part, "Therefore, 'questions of privilege' take precedence over these matters which are privileged under the rules," citing Cannon's Precedents III, 2426-2530; V, 6454; and VIII, 3465.

Second, it appears that a motion to postpone to a day certain of a report of the Committee on Rules making in order a bill is a question of first impression, and while other types of motions have been ruled out of order as dilatory, a motion for postponement to a day certain has not been decided by the Chair.

I would submit that the question of postponement to a day certain is not dilatory because it refers to a specific date when the House will consider the bill; whereas other motions, such as motions to commit, motions to table, and motions to indefinitely postpone are dilatory because they do not refer to a day certain.

All that this Member is asking the Chair to rule on is to give the House the opportunity to decide by majority vote whether this resolution should be considered today or should be considered next Tuesday.

I believe that the House should have that opportunity, and based upon the precedents, the rules, and the interpretation cited, I would ask the Speaker to rule my motion in order.

The SPEAKER. Is the gentleman from California [Mr. BEILENSON] standing to be heard on the motion?

Mr. BEILENSON. If I may, Mr. Speaker, very briefly. As the Speaker obviously recalls, the Speaker recognized this gentleman for 1 hour, and at that point, it seems to this gentleman, that the clause 4(b) clearly takes effect. It is clear on its face that the gentleman's objection does not pertain at this point.

Mr. SENSENBRENNER. Mr. Speaker, I was on my feet seeking recognition at the time that the Speaker made that statement.

The SPEAKER. The gentleman was on his feet in a timely manner seeking recognition. Does any other Member desire to be heard on the Chair's ruling?

Mr. GONZALEZ. Mr. Speaker, I would like to be heard in support of the contention that has just been so comprehensively presented by the gentleman from Wisconsin [Mr. SENSENBRENNER].

The precedents, both under Cannon's in the rules embodied in Cannon's Precedents, 333, and as codified later, or what we consider codified in Deschler's Precedents and Rules, I hold that the House is entitled, under the circumstances of the presentation of this rule, which did not satisfy compliance with the rules that must give a Member an opportunity to read the printed version of the rule, as well as the bill certified for House consideration under that rule.

I maintain, after checking with the Public Printer, that no 435 copies of this rule or bill have been printed in sufficient time to have it in the hands of us, the regular hoi polloi Members of the House.

Therefore, I strongly endorse the request of the gentleman and seek that the Chair rule in such a way that the majority of this House shall have a chance to vote on whether or not we should postpone further consideration to a time when we can have a chance to look at this dispassionately, leisurely, and carefully.

Mr. DAUB. Mr. Speaker, may I be recognized on the point of order?

The SPEAKER. The gentleman from Nebraska [Mr. DAUB] is recognized.

Mr. DAUB. Mr. Speaker, I want to add to what has been said with respect to the point of order, that the purpose, since it is one of first impression, it would appear, with respect to a motion to postpone to a date certain, and not too far into the future, at least from this gentleman's point of view, is offered for the purpose stated by the gentleman from Texas [Mr. GONZALEZ], that is, that all the amendments that were considered in the rule defeated 1 week ago, some have been wrapped into the new rule and will be a part of the principal bill if the rule is adopted; others are set aside for debate specifically and new amendments not previously considered will now be a part of this rule.

Since the Committee on Rules has not printed the content of each one of the amendments, and especially the new amendments not previously considered before by this House, nor by the Committee on Rules, it seems that every Member of the House ought to have at least the weekend and a few days to get that print and study the content, because under the modified closed rule that could pass this House, debate is limited.

It is for that reason that I think the Chair should rule that the point of order is well-founded.

The SPEAKER. The Chair is prepared to rule.

Under clause 4(b), rule XI, the Speaker may entertain one motion that the House adjourn, but after the result is announced, the Speaker shall not entertain any other dilatory motion until the report from the Committee on Rules shall have been fully disposed of. This has been construed to require rejection of the previous question before such motion may be offered.

The gentleman's argument is not well taken.

POINT OF ORDER

Mr. SENSENBRENNER. Mr. Speaker, I make a point of order against consideration of the resolution.

Mr. Speaker, rule XI, clause 2(6) requires a 3-day layover of reported measures, with the exception of matters that are in reports of the Committee on Rules. That exception is contained in rule XI, clause 4(b). The report of the Committee on Rules, both the resolution that was just reported by the Clerk, as well as the written report of the Committee on Rules, did not contain the text of the amendment in the nature of a substitute, which is some 215 pages long.

That measure was introduced as an original bill yesterday by the gentleman from New Jersey [Mr. RODINO] and the gentleman from New York [Mr. FISH], but the Committee on Rules did not include the text of this within any of the documents that it filed last night pursuant to the rule.

When the Committee on Rule's report was filed, I had a colloquy with the Speaker pro tempore, the gentleman from North Carolina [Mr. VALENTINE], and it was very clearly stated that this document, which is made in order as the amendment in the nature of a substitute, was not included in any of the papers that were filed by the Committee on Rules.

I believe that that omission, particularly in light of the fact that the text of the Committee on Ways and Means bill was set forth in full in the resolution means that this document does fall under the 3-day rule and it cannot be made in order under rule XI, clause 2(6).

The SPEAKER. The Chair will rule against the gentleman.

The Committee on Rules has the authority to make in order the text of an introduced bill as an amendment merely by referencing the bill number on the rule, and there has been a copy made available on the floor. That bill is not a reported bill which is being separately considered and so clause 2(l)(6) of rule XI does not apply.

The point of order is not well taken.

MOTION TO ADJOURN

Mr. GONZALEZ. Mr. Speaker, I move that the House do now adjourn.

The SPEAKER. The question is on the motion offered by the gentleman from Texas [Mr. GONZALEZ].

The question was taken; and the Speaker announced that the noes appeared to have it.

Mr. GONZALEZ. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 18, nays 387, not voting 27, as follows:

[Roll No. 446]

YEAS—18

Bartlett	Loeffler	Roybal
Chappie	Lujan	Sensenbrenner
Coleman (TX)	McEwen	Siljander
Conyers	Murphy	Skeen
Crane	Perkins	Stump
Gonzalez	Rangel	Traficant

NAYS—387

Abercrombie	Donnelly	Jenkins
Ackerman	Dorgan (ND)	Johnson
Akaka	Dornan (CA)	Jones (NC)
Alexander	Dowdy	Jones (OK)
Anderson	Downey	Jones (TN)
Andrews	Dreier	Kanjorski
Annunzio	Duncan	Kaptur
Anthony	Durbin	Kasich
Applegate	Dwyer	Kastenmeier
Archer	Dymally	Kemp
Armey	Dyson	Kennelly
Aspin	Early	Kildee
Atkins	Eckart (OH)	Kleczka
AuCoin	Eckert (NY)	Kolbe
Badham	Edwards (CA)	Kolter
Barton	Edwards (OK)	Kostmayer
Bates	Emerson	Kramer
Bedell	English	LaFalce
Beilenson	Erdreich	Lagomarsino
Bennett	Evans (IA)	Lantos
Bentley	Evans (IL)	Latta
Bereuter	Fascell	Leach (IA)
Berman	Fawell	Leath (TX)
Bevill	Fazio	Lehman (CA)
Biaggi	Feighan	Lehman (FL)
Bilirakis	Fiedler	Leland
Boehlert	Fields	Lent
Boggs	Fish	Levin (MI)
Boland	Florio	Levine (CA)
Boner (TN)	Foglietta	Lewis (CA)
Bonior (MI)	Foley	Lewis (FL)
Bonker	Ford (MI)	Lightfoot
Borski	Ford (TN)	Lipinski
Bosco	Frank	Livingston
Boucher	Franklin	Lloyd
Boulter	Frenzel	Long
Boxer	Frost	Lott
Broomfield	Fuqua	Lowery (CA)
Brown (CA)	Gallo	Lowry (WA)
Brown (CO)	Garcia	Luken
Bruce	Gaydos	Lundine
Bryant	Gejdenson	Lungren
Burton (IN)	Gekas	Mack
Bustamante	Gibbons	Madigan
Byron	Gilman	Manton
Callahan	Gingrich	Markey
Carney	Glickman	Marlenee
Carper	Goodling	Martin (IL)
Carr	Gordon	Martinez
Chandler	Gradison	Matsui
Chapman	Gray (IL)	Mavroules
Chappell	Gray (PA)	Mazzoli
Cheney	Green	McCain
Clay	Gregg	McCandless
Coats	Guarini	McCloskey
Cobey	Gunderson	McCollum
Coble	Hall (OH)	McCurdy
Coelho	Hall, Ralph	McDade
Coleman (MO)	Hamilton	McGrath
Collins	Hammerschmidt	McHugh
Combest	Hansen	McKernan
Conte	Hatcher	McKinney
Cooper	Hawkins	McMillan
Coughlin	Hayes	Meyers
Courter	Hefner	Mica
Coyne	Hendon	Michel
Craig	Henry	Mikulski
Crockett	Hertel	Miller (CA)
Daniel	Hiler	Miller (OH)
Dannemeyer	Hillis	Miller (WA)
Darden	Holt	Mineta
Daschle	Hopkins	Mitchell
Daub	Horton	Moakley
Davis	Howard	Molinari
de la Garza	Hoyer	Mollohan
DeLay	Hubbard	Monson
Dellums	Huckaby	Montgomery
Derrick	Hughes	Moody
DeWine	Hunter	Moorhead
Dickinson	Hutto	Morrison (CT)
Dicks	Hyde	Morrison (WA)
Dingell	Ireland	Mrazek
DioGuardi	Jacobs	Murtha
Dixon	Jeffords	Myers
Natcher	Saxton	Swift
Neal	Schaefer	Swindall
Nelson	Scheuer	Synar
Nichols	Schneider	Tallon
Nielson	Schroeder	Tauzin
Nowak	Schuette	Taylor
Oakar	Schulze	Thomas (CA)
Oberstar	Schumer	Thomas (GA)
Obey	Seiberling	Torres
Olin	Sharp	Torricelli
Ortiz	Shaw	Towns
Oxley	Shelby	Traxler
Packard	Shumway	Udall
Panetta	Shuster	Valentine
Parris	Sikorski	Vander Jagt
Pashayan	Sisisky	Vento
Pease	Skelton	Visclosky
Penny	Slattery	Volkmer
Pepper	Slaughter	Vucanovich
Petri	Smith (FL)	Waldon
Pickle	Smith (IA)	Walgren
Porter	Smith (NJ)	Walker
Price	Smith, Denny (OR)	Watkins
Pursell		Waxman
Quillen	Smith, Robert (NH)	Weaver
Rahall		Weber
Ray	Smith, Robert (OR)	Wheat
Regula		Whitehurst
Reid	Snowe	Whittaker
Richardson	Snyder	Whitten
Ridge	Solarz	Williams
Rinaldo	Solomon	Wilson
Ritter	Spence	Wirth
Roberts	Spratt	Wise
Robinson	St Germain	Wolf
Rodino	Staggers	Wolpe
Roe	Stallings	Wortley
Rogers	Stangeland	Wright
Rostenkowski	Stark	Wyden
Roth	Stenholm	Wylie
Roukema	Stokes	Yates
Rowland (CT)	Strang	Yatron
Rowland (GA)	Stratton	Young (AK)
Russo	Studds	Young (FL)
Sabo	Sundquist	Young (MO)
Savage	Sweeney	Zschau

NOT VOTING—27

Barnard	Edgar	Moore
Barnes	Flippo	Owens
Bateman	Fowler	Roemer
Bliley	Gephardt	Rose
Breaux	Grotberg	Rudd
Brooks	Hartnett	Smith (NE)
Burton (CA)	Kindness	Tauke
Campbell	MacKay	Weiss
Clinger	Martin (NY)	Whitley

□ 1215

Messrs. WALDON, ENGLISH, SEIBERLING, and MARLENEE changed their votes from "yea" to "nay."

Mr. STUMP changed his vote from "nay" to "yea."

So the motion was rejected.

The result of the vote was announced as above recorded.

PROVIDING FOR CONSIDERATION OF H.R. 3810, IMMIGRATION CONTROL AND LEGALIZATION AMENDMENTS ACT OF 1985

The SPEAKER pro tempore (Mr. KILDEE). The gentleman from California [Mr. BEILENSON] is recognized for 1 hour.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield the customary 30 minutes to the gentleman from Mississippi [Mr. LOTT], pending which I yield myself such time as I may consume.

Mr. Speaker, House Resolution 580 is a modified open rule providing for the consideration of H.R. 3810, the Im-

migration Control and Legalization Amendments of 1986.

The rule provides 2 hours of general debate, with 1 hour allocated to the Committee on the Judiciary and 15 minutes each to the Committees on Agriculture, Education and Labor, Energy and Commerce, and Ways and Means. In each case, the committee's time will be equally divided and controlled by the chairman and ranking minority member of the committee.

Mr. Speaker, the rule provides that the text of H.R. 5665 will be considered as original text for the purpose of amendment. H.R. 5665 incorporates many committee and individual amendments that were presented to the Rules Committee when it first began consideration of a rule in immigration reform.

The rule waives sections 302(f) and 303(a) of the Budget Act against consideration of the bill and against the substitute. It also waives clause 5(a) of rule XXI against consideration of the substitute.

Clause 5(a) of rule XXI prohibits appropriations in a legislative bill. The bill provides for 100-percent reimbursement to States for costs associated with the implementation of the systematic alien verification for entitlement program which would become effective immediately upon enactment. That provision constitutes an appropriation in a legislative bill.

Section 302(f) of the Budget Act prohibits consideration of legislation which provides new discretionary budget authority, new entitlement authority, or new credit authority which exceeds the allocation of budget authority under section 302(b) of the Budget Act allotted to the subcommittee having jurisdiction over the legislation. H.R. 3810 includes a number of provisions that make budget authority available immediately upon enactment. These include compensation for the appointment of a special counsel to investigate immigration-related unfair employment practices and a requirement that the Federal Government reimburse States and localities for the costs of incarcerating illegal aliens and certain Cuban nationals. Since no allocation of new discretionary budget authority was made to the Judiciary Committee for fiscal year 1986, no measure would be in order within the jurisdiction of the Immigration Subcommittee which provides new budget authority for the current fiscal year.

Section 303(a) of the Budget Act prohibits consideration of legislation which contains new entitlement authority for a fiscal year until the budget resolution for that year has been adopted. One provision of the bill provides new entitlement authority for education assistance for institutional reimbursements which will first take effect in fiscal year 1988. The bill also provides that individuals who are legalized under its provisions are to be ineligible to receive most forms of public assistance for the 5-year period starting from the date of legalization. Entitlement to benefits for such individuals will first occur in fiscal year 1991. Since both of these provisions constitute entitlement authority which first becomes effective in a fiscal year for which, quite obviously, no budget resolution has been adopted, they violate the provisions of section 303(a) of the Budget Act.

Mr. Speaker, the Rules Committee hesitates to grant waivers of the Congressional Budget Act. In this situation, however, the committee felt that the waivers included in the rule were justified in order to allow the House to work its will on the product of our committees who have found these entitlement programs to be necessary elements of a complete and responsible immigration reform package.

Under the provisions of the rule, no amendments are to be in order to the substitute except for 14 amendments which are printed in the report which accompanies the rule. The amendments are not amendable nor shall they be subject to a demand for a division of the question. Debate time for each amendment is specified in the report and in each case is to be divided equally between the proponent of the amendment and an opponent. Pro forma amendments are not allowed under the rule. The amendments must be offered in the order specified in the report and only by the designated Member, or in the case of a committee amendment, by the chairman or his designee. The rule also waives all points of order against the amendments made in order under the rule.

The rule also provides for one motion to recommit the bill. The motion to recommit may not contain instructions.

Mr. Speaker, to allow the House to go to conference, the rule makes it in order to take S. 1200 from the Speaker's table and to consider the bill in the House. The rule waives sections 302(f) and 303(a) of the Budget Act against consideration of the Senate bill. The rule makes in order a motion to strike out all after the enacting clause of the Senate bill and to insert in lieu thereof the text of H.R. 3810 as passed by the House. Clause 5(a) of rule XXI and sections 302(f) and 303(a) of the Budget Act are waived against that motion.

The rule makes in order a motion that the House insist upon its amendment to S. 1200 and request a conference with the Senate thereon.

The rule provides for consideration in the House of a House bill consisting of the text contained in section 2 of this resolution. This bill will extend until January 1, 1993, the exemption from the Federal unemployment tax for H-2 workers. All points of order are waived against consideration of the bill. The bill will be offered by the chairman of the Committee on Ways and Means or his designee. Debate on the bill is limited to 10 minutes, which will be equally divided and controlled by the chairman and ranking minority member of the Committee on Ways and Means or their designees. And finally, the rule provides for one motion to recommit which may not contain instructions.

□ 1225

Mr. Speaker, as Members will recall, 2 weeks ago the House defeated the rule which would have provided for consideration of this issue. Some Members felt at that time, not entirely without reason, that that rule was not as fair as it could have been because it did not allow amendments to the particularly difficult and complex solution contained in the bill to the agricultural worker problem.

That issue has now been resolved to the satisfaction of the principal Members on both sides of that issue and on both sides of the aisle, and these Republicans and Democrats alike who have been most involved and active on this legislation believe they have now drafted a bill that will meet with the approval of the majority of the Members of this House. They deserve our thanks and commendation for staying with this most important issue and for reconciling their differences and coming back to us with a bill that will, if passed and signed by the President, go a long way toward solving the vast and growing problem of illegal immigration in the United States. We should allow them the opportunity to bring that bill before the House.

Mr. ROYBAL. Mr. Speaker, will the gentleman yield?

Mr. BEILENSON. Before yielding to the gentleman from Mississippi [Mr. LOTT] I am happy to yield to my friend, the gentleman from California.

Mr. ROYBAL. I thank the gentleman for yielding. I would sure like to understand the fairness of the rule that you are proposing. I fail to see any fairness in it, but perhaps I am mistaken. Maybe you can explain the fairness of the rule by answering the following question:

It is my undertanding that in the first hour the Committee on Agriculture will have 7½ minutes on one side and 7½ minutes on the other side. Is that correct?

Mr. BEILENSON. The first hour under general debate, as the Members recall, will be devoted to the Committee on the Judiciary which has 1 full hour. Thereafter, as the gentleman points out, each of the other four committees of jurisdiction will have 15 minutes to be equally divided between the majority and minority.

Mr. ROYBAL. Fifteen minutes for each of the committees of jurisdiction, which will take the full hour; is that not correct?

Mr. BEILENSON. That is correct.

Mr. ROYBAL. In other words, 1 full hour will be devoted to the Committee on Agriculture, to the Committee on Education and Labor, to the Committee on Energy and Commerce, and to the Committee on Ways and Means?

Mr. BEILENSON. That is correct. Those four committees together have 1 hour of general debate.

Mr. ROYBAL. There is an hour left, and there are 435 Members of this House. I do not know whether my arithmetic is correct, but if each one were to speak on this subject matter we would have .0015 of a second, of 1 second, to speak on this subject matter. I see no fairness in this.

Now does the gentleman really believe that Members of this House would not be interested in participating in this debate?

Mr. BEILENSON. As the gentleman well knows, we always limit to some extent or another the amount of time for general debate. People who are most focused in and concerned about amendments will later have the opportunity to address the House.

Mr. ROYBAL. Will the gentleman continue to yield?

Mr. BEILENSON. If the gentleman will allow me to respond further for a moment——

Mr. ROYBAL. First of all——

Mr. BEILENSON. If this gentleman may respond for just another moment, may I say to my friend, and then I will be happy to yield further, the ranking minority member and the chairman of each of these committees agreed to that amount of time for general debate. The major committee of jurisdiction, the Committee on the Judiciary, has a full hour, and it was agreeable to all of the Members involved from the four other committees that they would share 1 hour.

Mr. ROYBAL. That agreement, of course, was an unfortunate thing to have taken place. But that is not the point at this part of the debate.

I still want to be sure that I understand the fairness of the rule. The gentleman probably remembers that 6 years ago we had an open rule. He also probably remembers that 2 years ago we had 10 hours of debate. Now it is cut down to 2 hours of debate with 1 hour given to members of the committee, and then the rest of the House has 1 hour to participate in a debate that is going to affect millions of people in the United States.

I do not find that to be very fair. Do you?

Mr. BEILENSON. This gentleman never said anything about fairness with respect to this rule. This gentleman, in fact, said that some Members felt the rule defeated a couple of weeks ago was not so fair as it could have been, and this gentleman agreed. But we are faced by certain constraints, as the gentleman from California well knows, and if we had some help from certain Members on this floor at an earlier time, there obviously would have been a great deal more time for both general debate and debate on amendments on this particular bill.

A lot of Members, including myself, have been urging that we get the bill to the floor earlier so that we could have had full and complete time for debate. A lot of folks, including people this gentleman will not name, have been opposed to that, and it has made it very difficult for us with a couple of days left in this session to have adequate time for this or any other legislation.

Mr. ROYBAL. Will the gentleman continue to yield?

Mr. BEILENSON. Of course, I yield to the gentleman from California.

Mr. ROYBAL. I think the gentleman is incorrect in the statement he has made if he is making reference to any one of us here on the floor. The truth of the matter is that all these deliberations and all of these deals took place in a closed session when even after we offered to be of assistance in any way that we possibly could we were not permitted in the room.

Let me finish the statement. So no one can say that there was no one that maybe opposed this piece of legislation that did not try in some way to bring about some semblance of fairness in bringing a proper rule to this House.

Now there is a great deal of difference between 10 hours of debate 2 years ago and 2 hours now and then reducing that to only 1 hour for the Members of this House to debate. When you have fifteen-hundredths of 1 second for each Member to debate this rule, I think that that is somewhat ridiculous.

Mr. BEILENSON. The Rules Committee, I would say to the gentleman from California, was hopeful that not every Member would speak for that one fraction of a second.

The gentleman is consuming all of my time, and perhaps the gentleman who apparently may not be in support of the rule could request additional time from the folks on the other side.

Mr. ROYBAL. If I may remind the gentleman, when this was on the floor before I could not get time from this side, I had to go to the other side.

Now whatever the situation is, it seems to me that the rights of the Members of this House are being violated in this rule. These secret meetings, these deals that were made with the other side, the sessions that have been held to the point where a conference that is supposed to take place after the legislation has passed, that conference has already taken place, and now you put into this piece of legislation 32 additional amendments that no one knows anything about. Then you expect the Members of this House to say yes, we agree.

Mr. BEILENSON. Including some amendments the gentleman himself requested.

I take back my time. I must take back my time in order to yield to the gentleman from Mississippi [Mr. LOTT], because we have virtually run out of time.

The SPEAKER pro tempore. (Mr. KILDEE). The gentleman from California [Mr. BEILENSON] has consumed 13 minutes.

Mr. LOTT. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I am pleased to inform my colleagues that the immigration reform bill has risen phoenix-like from the ashes and that it may actually take wing and soar to passage this time around. And it's all due in large part to the persistent and bipartisan efforts of the chairmen and ranking minority members on the Committee on Judiciary and its Subcommittee on Immigration—namely, Representatives RODINO, FISH, MAZZOLI, and LUNGREN; and to the efforts of those Members involved with the farmworker issue—Representatives SCHUMER, PANETTA, MORRISON, and BERMAN.

I am especially pleased that we are here today crediting these Members with the rebirth of the phoenix instead of trying to affix blame for the death of Cock Robin. I think it's testament to how the spirit of bipartisanship, working in the national interest, can triumph, even in the chaotic and contentious final days of a Congress.

Mr. Speaker, House Resolution 580 is a modified open rule providing for the consideration of H.R. 3810, the immigration bill. The rule provides for 2 hours of general debate, with 1-hour allocated to the Judiciary Committee, and 15-minutes each to the Committee on Agriculture, Education and Labor, Energy and Commerce, and Ways and Means.

The rule makes in order an amendment in the nature of a substitute which is the text of the new bill, H.R. 5665, introduced by Representatives RODINO and FISH. Appropriate points of order are waived against both the reported bill and the substitute.

I would point out that new substitute folds in some 32 amendments, whereas the substitute made in order by the previous rule had folded in some 23 amendments as part of the original text. Each of the 14 amendments made in order by this rule are subject to specified time limits of 10 or 20 minutes each, for a total of 4 hours.

So, what we have in this new rule is an abbreviated process that will consume 6 hours in general debate and amendment time, compared to 13

hours under the old rule. This is made possible because 11 of the amendments made in order for separate votes under the previous rule are now incorporated in the original text; 8 amendments have been dropped, mostly with the concurrence of their sponsors; and debate time has been further curtailed on some amendments.

Mr. Speaker, I realize that this slimmed-down rule does not allow us as much debate or as many votes as we might want. Ideally, I would prefer a wide-open amendment process. But time constraints just don't permit that. Moreover, we have a bipartisan procedural agreement here that helps to ensure that most major issues will be debated and voted. So I think this is a reasonably fair and workable process.

Mr. Speaker, the main hangup under the previous rule was the farmworker provision and the fact that a major alternative, the Lungren amendment, was not allowed to be offered.

I am pleased to report that the new bill includes in its text a compromise on the agricultural worker issue that has been worked out between all the principals involved, including Senators SIMPSON and WILSON and both grower and labor interests. It is essentially a hybrid of the Schumer and Lungren alternatives and establishes a two-tier system for admission as special agricultural workers. I will let the sponsors explain the compromise in greater detail later. I simply want to commend them on staying with this and resolving their interests to the acceptance, if not complete satisfaction, of all concerned.

Mr. Speaker, another bone of contention in the previous rule was the incorporation of the Moakley provision granting extended voluntary departure status to illegal immigrants from El Salvador and Nicaragua. Under the previous rule that provision was made part of the substitute, without a separate vote. Under this rule, a motion to strike it is in order

Finally, Mr. Speaker, you may recall that one of the objections we had to the previous rule was that it denied the majority its traditional right to recommit the bill with instructions. I tried once again to restore that provision and again failed in the Rules Committee caucus. And while I am upset that we have been denied that opportunity, I think its exclusion is less objectionable under this new, bipartisan procedure.

Mr. Speaker, I think it is fair to say that neither the rule nor bill does everything I would like to see; and I am sure that is true for most Members on the other side of the aisle as well. But, I think we have to step back and look at the big picture; and, on the whole, I think you will see that this is about the fairest and most practicable procedure and bill that we are ever going to get. I fear that if we let this opportunity pass today, it may not come our way again in the next Congress, even though the immigration problem will be bigger and more intractable next year than it is now.

Mr. Speaker, it's easy for us on the sidelines to second guess those responsible for this legislation and dismiss or criticize their efforts because we aren't pleased with one aspect or another of this legislation. But, as imperfect as this bill may be, and I'm hopeful we can improve it by amendment and in conference, the fact remains that this is an issue whose time has come, and which we must deal with now. This legislation has been worked and reworked over three Congresses involving thousands of hours on the part of Members and staff from both Houses and both parties. This is truly one of those issues which cries out for a national consensus and action. We have that within our grasp today. Let's not let it slip through our fingers.

I urge adoption of this rule so that we can proceed to the consideration of this most critical piece of legislation.

□ 1235

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Speaker, I thank the distinguished minority whip for yielding to me.

I am enthralled by the gentleman's argumentation. I sat here and listened the last time when he was straining the rules to object vociferously to the rather authoritarian procedures that had resulted in what he considered to be an unfair rule.

The same gentleman he is praising this time was the one that the gentleman was complaining of for attempting to foist an unfair rule.

Mr. LOTT. Well, Mr. Speaker, if I may reclaim my time, I commended the gentleman from California [Mr. BEILENSON] even at that point for his efforts. He came close, but no lollipop. I certainly was not critical of him even at that point.

Mr. GONZALEZ. I will correct the interpretations of my memory of that set of circumstances; but the gentleman now says that, "It's all right to have 'Star Chamber' proceedings."

The gentleman knows as well as I that the Rules Committee met in secret: Star Chamber. It denied anyone of us any access to its proceedings. We wrote the chairman of the Committee on Rules a long time ago, after the defeat of the last one. We conversed personally; asked to be heard; asked to have access.

The gentleman cannot say that this rule did not come out of "Star Chamber environmental protection." So that the gentleman is saying to us that as long as he, the minority, give their imprimatur to this tactic and have a party to it, it is OK. But when they feel they are shunted out of it, well, then, it is not OK.

What I am telling the gentleman is, that we agreed with you the last time; we are still a minority on this issue. Under the rule we will be denied any time, if we are in opposition to this bill and this rule.

I just wanted to point out the inconsistencies in the gentleman's argumentation.

Mr. LOTT. Mr. Speaker, I think that the gentleman is certainly justified in doing that; I do think that this is a fair rule. It was reported out in an open meeting of the Rules Committee, but I want to make this point:

There are those here in this Chamber that want no immigration bill, period. I am not one of those.

Mr. GONZALEZ. Neither am I.

Mr. LOTT. Well, there are others that have allowed this process to drag on and on and on with the hopes that it would die in the end just because we could not move it through the House or through the conference, and this is our last gasp.

The gentleman from California was summarily unfairly treated last time; he has met with those on that controversial issue, the Schumer amendment, they have worked out something as best they could, and I think that, all things considered, it is the best we are going to be able to do.

Mr. Speaker, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Speaker, I do not think the Rules Committee got the lollipop on this rule, either. They got a can of castor oil and they are trying to have all of us gulp it down and get this bill passed.

I support immigration reform. I do not think this bill is immigration reform. This bill is really the triple amnesty bill. First we have regular amnesty for illegal aliens who have been here since January 1983; much more generous than the Hessberg Commission recommended.

Second, the bill has Moakley-DiConcini amnesty for Salvadorians and Nicaraguans; and third, the bill has Schumer amnesty for temporary agricultural workers who have been here, working for some time during the last 3 years.

Now I would like to see an immigration bill come up, but I think that since this is our one opportunity, we had better do it right, and this rule does not allow the membership of the House of Representatives to do it right.

I am going to ask the membership to vote down the previous question so that I can offer an amendment to the rule which first will allow a motion to strike the Schumer provisions. There

is no motion to strike allowed in this rule; so that way, if you vote for immigration reform, you vote for legalizing all of these people who have come into our country to temporarily serve as agricultural workers, and granting them permanent residence eventually means that they will be able to petition in their relatives and Lord knows how many more aliens will come into the country.

Second, I think that certain issues that are made in order by the Committee on Rules, such as my amendment to strike the Frank antidiscrimination provisions and the amendment of the gentleman from Florida [Mr. McCOLLUM] to strike the legalization program, really deserve more than 20 minutes debate, because they are very serious changes in policy.

My purpose is not to filibuster; I think that 30 or 40 or 60 minutes of total debate will allow everybody who wants to be heard on these questions to be able to speak their peace, and for the House to vote thoroughly informed; but the 20-minute restriction on these types of amendments certainly is not going to allow the debate to take place that really ought to.

So I would hope that the membership would vote down the previous question so we can get a proper rule to pass true immigration reform rather than the triple amnesty bill which this rule practically forces us to vote on.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the distinguished, knowledgeable gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Speaker, I thank the gentleman for yielding me the time, and I hope I am as knowledgeable as the gentleman says I am.

Mr. Speaker, I rise in support of the rule and I urge its adoption by the House so that we can get on to the long-awaited task of voting on immigration reform.

Let me salute briefly three people who had a lot to do with the fact we are here today. One is my friend from California [Mr. BEILENSON] who from the start has been a stalwart supporter of ours on the Rules Committee, to get that job done.

□ 1245

Our chairman, Chairman PEPPER, and the gentleman from Mississippi, Mr. LOTT, who while he has had some disagreement here, has always been willing to talk with us about the issue and try to bring it up. The gentleman from Mississippi said something about this is the last gasp. In my notes I have here the term eleventh hour. We have heard always that this is the eleventh hour, meaning that we are on the borderline of not getting something done. Actually, this is the eleventh-and-a-half hour, we are even beyond the eleventh hour. Therefore, if—and I join my friends from Texas and California saying I wish we had a different procedure here—the fact is we are where we are and we will not even debate the bill unless we take this procedure.

Two weeks ago when we had the earlier rule with some reluctance and lack of enthusiasm, I supported the committee's rule. It was a decent rule. This is a much better rule. Two weeks ago we had 32 amendments that would have been somehow debated on. Now we have, I believe it is, 14 that are made in order which means we have a much narrower focus, which is the way we should.

Second, 2 weeks ago my biggest problem was with the Schumer-Berman-Panetta compromise, and that was modestly attended to by the Rules Committee having made five areas of change in that bill as it was reported by the Judiciary Committee. This rule before us today has very substantively changed the Judiciary version of the Schumer-Berman-Panetta compromise.

As you will remember, the original Schumer proposal called for immediate green cards, immediate permanent residency for these temporary agricultural workers.

This is not the case anymore. No agricultural worker gets an immediate green card.

Second, I argued at the committee unsuccessfully about the question of disabilities, disability from various forms of public welfare which we disable with respect to the underlying group of legalization applicants.

In this committee version these people are disabled from most forms of public assistance, which is proper.

The committee continues the recruitment provision which says, at my instance, that domestic workers will be recruited first before you go to a pool of undocumented foreign workers.

Furthermore, the man-day which could have been originally as few as 1 hour a day and was as little as 60 man-days, is now at least 4 hours and at least 90 man-days before an individual can qualify for this temporary residency.

The sunset which was in the committee something like 20 years was reduced to 12 years at my request by the original rule, is now down to 7 years in this rule, only 3 years of which is going to be in the area of replenishment.

I am frankly still not totally comfortable with the Schumer proposal. I think the premises, the dual premises of immediate residency whether temporary or permanent, and then a very long-range abundant supply of labor for the agricultural interests is, I think, a little unbalanced. But given the situation where we are today and given the good-faith negotiations which took place ardently over the last couple of weeks since the defeat of the earlier rule, I think the House without question support the efforts of the committee today. I think the House can at the end of the day, whenever that is, support the committee bill, and I think we will go on to a better day for true immigration reform.

Mr. LOTT. Mr. Speaker, I yield 3 minutes to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. I thank the gentleman for yielding me this time to discuss this. The rule before us today is a lousy rule. And the agricultural provisions that are in this bill that would be adopted if we adopted this rule are lousy provisions, and I do not blame anybody for voting against this rule, but I do plan to vote for it nonetheless myself.

Now, after I have said all of that, you wonder what is so terrible, and why am I doing that? I think this is a terrible rule, frankly, because it is still a gag rule, it is still a closed rule as to these agriculture provisions. There are no opportunities to offer amendments, and those agriculture provisions are bad, bad provisions. First of all, there is no opportunity to offer amendments even to the H2 section to strike out such things as the, first time in the history of our program, granting Legal Services Corporation lawyers to the temporary workers who have come into this country under contract and who have already the opportunity for legal counsel under those contracts. But most of all, it is not just the minor amendments that concern me, it is the so-called Schumer, modified Schumer compromise that has been worked out that is still bad.

The Schumer provision as modified is still bad because it is unconditional, because it is open-ended and because it is unfair. It is unconditional no matter what hoops have to be gone through, as you will hear described throughout this debate today; it is unconditional because only a period of time has to pass once you have been granted status and been in this country for 90 days and come forward and be shown that you have in the last year to be eligible to get into the pipeline to be a citizen; it is unconditional only because a period of time has to pass before you get that permanent resident status and before you are eligible to become a citizen. There is no requirement that you have to work in the fields anymore, or whatever.

It is unconditional for anyone who is in the replenishment area for all practical purposes. They are in the hoops, too. It is open-ended in the sense that there is no cap on the number of workers who can be let in under the 90-day provisions. That is, if anybody worked in agriculture within 90 days within the year specified, May 1, 1985, to May

1, 1986, and they can prove it under the documentation required in this bill, they can come in. There is no cap, there is no limit on the numbers of people involved. And of course there is no limit on the number of people who will be able to come in as their relatives as they gain status that makes them eligible to bring relatives into this country. It is unfair because we are talking about separating out the agricultural workers industry while the dishwashers and the factory workers who are illegal aliens that we are going to grant amnesty to, that I do not agree to doing but would be under other portions of this bill, do not get the same treatment. They have to have been here since January 1, 1982.

But I am voting for this rule nonetheless. I am voting for it partly out of deference to my good friend and colleague, Mr. LUNGREN, who has worked so hard to get a compromise, and this is somewhat of a compromise. I am voting for it partly because I think we should debate this whole matter. But mainly I am voting for this rule because, despite all of the reservations I have about this, I am most concerned about the numbers of people illegally coming into this country, about the need to close our borders, about the absolute necessity to have employer sanctions. And I do not know any other opportunity we are going to have in this Congress to address those matters if we do not vote for this rule.

So despite all my reservations, I am voting for the rule.

Mr. GONZALEZ. Mr. Speaker, I make the point of order a quorum is not present.

The SPEAKER pro tempore (Mr. KILDEE). The Chair does not entertain the gentleman's point of order at this time.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. I thank my colleague from California for yielding these 2 minutes to me.

This is like Rasputin; immigration refuses to die. It comes up again and again and again. There is a great deal of frustration on this side in this Chamber, both for those who favor immigration and for those who are opposed to immigration.

Just let me say one thing to the Committee on Rules: I would like them to know that I am appreciative that the sunset for sanctions has become part of this legislation. I also thank them for making certain that the Bureau of the Census is taken out of the provisions of the confidentiality of the upcoming census of 1990, will not be jeopardized by this legislation.

I say that because I think there were two meaningful entries into the rule.

Now, having said all of that, I want to make it very clear I think that the debate on immigration has to take place. I think it is essential. I think there are people in this Chamber who have consistently been criticized editorially, and groups, racial groups in this country criticized for saying that they are against immigration. We are not against immigration, we are against discrimination. It is back to employer sanctions where I lead myself, I want to make it very clear that sanctions as written into this bill will be detrimental to those people of color, those people who speak with an accent. I am going to vote for the rule because the debate must take place, but I am not going to vote for final passage of the immigration bill for those reasons.

Now, having said that, I want to make it very clear that the employers who are watching this show today will end up being the judges and juries of people who come to their offices for employment. It is a heck of a burden to put on American industry.

Mr. LOTT. Mr. Speaker, I yield 1 minute to the gentleman from Virginia [Mr. PARRIS].

Mr. PARRIS. Mr. Speaker, I rise in support of the rule today. We must simply do something to stem the tide of illegal immigration. I take this time to remind my colleagues that in 1982 we brought this measure to the floor at 10 p.m. one Thursday night, and again at 10 p.m. on Friday night shortly before Christmas. It failed of passage. In 1984, we debated this measure for a full week, 8 to 10 hours a day, then had 10 days of conference. Then it floundered and died.

Now the gentleman from California, who I greatly respect, opposes this measure, and that is his perfect right. But he now says that we have inadequate time for debate under this rule. In 1984, the same gentleman put over 100 amendments into the RECORD in an attempt to kill this bill. We debated those amendment with no time limitation whatever and succeded in frustrating the legislative process.

I submit, speaking of frustration, to those gentlemen who are Members of the majority party, who almost always support closed rules, you now understand the frustration and time limitations that those of us in the minority suffer under almost every day around here. I sincerely hope the gentleman will remember that at other times in the future.

Mr. GONZALEZ. Mr. Speaker, will the gentleman yield?

Mr. PARRIS. I will yield if time permits.

The SPEAKER pro tempore. The time of the gentleman from Virginia [Mr. PARRIS] has expired.

Mr. GONZALEZ. Since my name was mentioned, will the gentleman yield?

The SPEAKER pro tempore. The time of the gentleman has expired.

The gentleman from California [Mr. BEILENSON] has 11 minutes remaining.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from Nebraska [Mr. DAUB].

Mr. DAUB. I thank the gentleman for yielding.

Mr. Speaker, this is, well I say to my colleagues it could be slicker than the great train robbery.

This rule is a new face on an old dog, but it will not hunt.

The gentleman from Wisconsin [Mr. SENSENBRENNER] is going to offer a motion or will require that we have a chance to vote down the previous question. I intend to support the gentleman's request. I do so with a heavy heart for a number of reasons. I do think it is time that we voted, I do think there will be a rule granted and I do think we ought to have our debate and much of what has been said I find myself in agreement with.

But we do not change what we had in the previous rule too much from what we have in this rule. There have been some compromises that I favor, the adding of the motion to strike, the amendment on extended voluntary departure, I think, is an improvement in the rule. The question of allowing a motion to recommit is an improvement but it does not offer a motion to recommit with instructions. But we were denied the very thing that my friend from California, Mr. LUNGREN, sought in the beginning, the one significant intellectual improvement in the bill was an opportunity to strike the rolling legalization provisions contained in the Schumer-Berman amendment.

There can be no doubt about it that this rule allows us the opportunity to say "no" to the question of granting people who have been here for even less time than would be granted amnesty under the general provisions of the bill, 3 years under bucket No. 1 and 2 years under bucket No. 2, if they worked in agriculture, the opportunity to become citizens of this country within a 6-year period of time.

If you voted against the previous question last time and if you voted against the rule last time, and if you voted against the bill, you would be casting three "no" votes that in my opinion are justified today.

There is no logical reason of substance to distinguish your "no" votes on the motion with regard to the previous question or the motion with regard to the rule the last time, from the same two opportunities you will have today to vote "yes" or "no."

The rule today is more restrictive. It folds into the bill itself upon the adoption of the rule a number of things that ought to have been debated that were made in order under the previous rule: the Bryant amendment to restore language that would allow debate on a Social Security validation system; the

Richardson amendment on the reduction of penalties for first-time offenders who hire illegal aliens and excepting small business from sanctions; the Lungren amendment on two-tiered legalization; the Richardson amendment on the mandate that State education agencies include English; the Dymally amendment on naturalization for certain Filipino war vets. A number of things are not going to be able to be debated that ought to be debated under this rule. So the rule is indeed more restrictive, not only in time but in terms of substance, the content of what we would have had the opportunity to debate.

What was the rule, is not now in the rule; new things are included and some things are folded into the bill automatically that will not be debated.

But I wanted to spend the rest of the time on my most serious objection to the way in which we proceed. That is the question of amnesty; 20 minutes are provided under the Lungren amendment, 10 minutes on a side. Within 3 to 5 years each alien who has been given amnesty will be eligible for citizenship. At that point in time under the legal immigration rules in th country every mother, father, sister, spouse of each and offspring thereof will be eligible for immigration into this country.

□ 1300

That has been referred to in a number of articles by a number of scholars as the impacting problem of chain migration. Michael Teitelbaum has referred to it as the "echo effect." The echo effect, the chain migration, the function of taking 10 million of those undocumented persons who are in this country, 65 percent of whom will come forward when a legalization program is offered, and then allow them to get their green card, then to become a citizen, then to bring in all of their other relatives, puts an explosion into the population control problem we face in this country of somewhere between 30 and 70 million new citizens within a 10-year period of time if this bill becomes law.

I think that costs of that to local governments will be severe and strain them indeed for education, for welfare and for other benefits that those folks would need. I think that because our economy is moving through such a rapid technological change, we are going to have to require greater amounts of education, and we cannot get that done.

So for those reasons, I am going to have to support the gentleman from Wisconsin and urge a "no" vote on the rule, and ask that you consider voting "no" on the bill itself.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 4 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Speaker, I rise in support of the rule for two reasons: First, because the time has come to bite the bullet on immigration reform, and, second, this rule will permit 5 million, 8 million people to come out of servitude, out of the shadows, and this may be the last chance we have to do that.

Some of us Hispanic Americans have found it necessary to oppose passage of the immigration bill in the last Congress, while others chose to support it. But we are united in our concern about discrimination that could result from employer sanctions and the enactment of an abusive guest-worker program.

We think that the legalization provisions are sound in this bill. The elements of acceptable immigration reform, some believe are at hand. I hope we can support an immigration reform bill after this debate.

However, such a bill must contain the following provisions, virtually all of which have already been approved by the House Judiciary Committee and the Rules Committee.

First, the Frank amendment; this redress system for victims of discrimination passed the House by a vote of 404 to 9 in the last Congress. This provision is currently in the bill and reflects a compromise agreed to by the Senate in the last session of Congress. Further compromise cannot be permitted.

Second, sunset on employer sanctions; I share the concern about employer sanctions, that they might bring discrimination, that they might not work, that they might be burdensome on employers. Any legislation adopted by the House should contain a sunset provision. This is in the bill under the rule, the Garcia amendment. This measure is absolutely critical to ensure that Congress review the potential discriminatory effects of this program before permanently mandating a sweeping and untested new law.

Third, judiciary legalization. The legalization program approved by the committee contains a 1982 eligibility date. It is the only legalization program currently under discussion that is sufficiently generous and workable. It will free 5 million people from the shadows, from bondage. They deserve this treatment of earning their citizenship. It is time somebody stood up for them.

Fourth, foreign agricultural workers. Foreign agricultural workers should not be admitted to the United States without the following guarantees: First, that there be no adverse effects on American workers; that foreign agricultural workers may remain in the United States with guaranteed legal status; that agricultural workers will be afforded full protection under Federal and State constitution and laws. I believe that as flawed as it is, the Schumer compromise is the best we can get, and we should give it a try.

Fifth, Salvadoran and Nicaraguan refugees. The rule allows for a shot at this issue. Continued violence in El Salvador and Nicaragua illustrates the urgent necessity for enactment of this provision. Let us treat Salvadoran and Nicaraguan refugees the same way we treat everybody. And we need a new definition of political refugees.

This rule also contains in the enrolled bill a provision that is fair and just to Cuban political prisoners.

The bill also contains a provision that deals with border revitalization. The biggest problem we have is not having had a dialog with Mexico. Economic development at the border must take place to stem immigration. This provision in this rule allows for substantive legislation that deals with a better dialog with Mexico.

I urge support of this rule.

Mr. LOTT. Mr. Speaker, I yield 1 minute to the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON of Washington. Mr. Speaker, I thank the gentleman for yielding this time to me.

Mr. Speaker, the rule is not all we might desire, but the opportunity to deal with the immigration even this late in the session overcomes the negatives.

My major concerns are with the farmworker provisions. The gentleman from California [Mr. PANETTA] and I feel a distinct obligation to all of you who supported us in 1984 to bring you an agricultural program that meets both the needs of farmworkers and farmers.

This rule provides for and protects a compromise to be supported by the chairmen from both bodies all the way through conference. This seems to be the answer to one of the major arguments over immigration reform.

So I urge my colleagues to support the rule, and let us proudly, if not perfectly, get this immigration behind us.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Speaker, I rise today in opposition to the proposed rule controlling debate of H.R. 3810, the immigration reform legislation.

While I generally object to the use of House parliamentary procedure to defeat a piece of legislation, I must object to the rule in its present form as being too restrictive of debate on the issues and not being available in a timely fashion to Members for careful analysis.

The rule before us today was crafted late last night behind closed doors after virtually no testimony or input from many of us in this body which may have proven quite constructive in nature. On a major piece of legislation such as immigration reform, it is inconceivable that Congress would be forced to pass judgment on this measure under such severe time

restrictions and in such a hurried manner. This is no way to conduct business and it is certainly no way to intelligently evaluate the variety of issues inherently raised by this bill.

Mr. Speaker, I must also object to the fact that although debate on this measure has already begun, Members have still not yet been provided copies of the legislation or the amendments we are supposed to be voting on. Thirty-two amendments, the contents of which many of us have not seen, are made part of the original text of the bill. This highly unusual procedure is in violation of the 3-day rule as well as the printing rule. These are not rules for the sake of having rules, but are instead designed to prevent situations exactly like this one in which legislation that no one has read gets pushed through at the expense of the public's right to a free and full debate.

Mr. BEILENSON. Mr. Speaker, for purposes of debate only, I yield 2 minutes to the gentleman from New York [Mr. SCHUMER].

Mr. SCHUMER. Mr. Speaker, I would simply like to make one point, and that is immigration reform is easy to kill, hard to keep alive.

It will be very easy to vote "no" on a whole number of measures today and end our last chance to get fair, humane, decent, and real immigration reform. We can kill it one way, we can kill it another way, and we can kill it a third way.

But what I have seen in the last 2 weeks has been nothing short of utterly remarkable. I have seen people on both sides of the aisle, people from different parts of the country, people of different ideologies, age groups, and persuasions, pulling together because they did not want to let this bill die. The easy route would have been to just let things fall by the wayside as they were falling 2 weeks ago and then 1 week ago again. The easy thing to do would have been to say, I did not like paragraph 37(b), I am out.

That did not happen. The members of the Rules Committee, the members of the Immigration Subcommittee, the courage of my colleagues, Mr. BERMAN and Mr. PANETTA, the decency and desire for a bill of the gentleman from California, Mr. LUNGREN, and of course the leadership of the chairmen of the committee and the subcommittee, Mr. RODINO and Mr. MAZZOLI, kept this thing going.

We may not win today. There are a lot of pitfalls still left before us. But we have given it our best shot. And if we cannot do it, we can at least say that, in good faith, everyone tried.

To use the phrase of the gentleman from Kentucky, I truly salute all my colleagues. What they have done in the last 2 weeks and in the last year strengthens my faith in this country, in this Congress and in the American people.

Mr. LOTT. Mr. Speaker, I yield 5 minutes to the gentleman from California [Mr. LUNGREN].

□ 1310

Mr. LUNGREN. I thank the gentleman for yielding me this time.

Mr. Speaker, this is truly a joyous occasion for those of us who work for immigration reform. It has been kind of a rocky road to get here; some people have wondered whether the bill was really a corpse. I guess I described it to somebody as a corpse going to the morgue and on the way to the morgue the toe began to twitch and we started CPR again.

We are here, it is not the best way to be here, but let me just say what I have said on this floor 4 years ago and 2 years ago: As long as we attempt to achieve perfection on this floor we are never going to address immigration reform.

RON MAZZOLI and I have said many, many times that this is not a great bill but it is the best bill we can have. This is not a great rule, but it is the best rule we can possibly have.

I do not happen to think the agricultural approach is the best approach. But I do know that I cannot get the best approach up from my perspective. I know that for any number of reasons. I think the Wilson amendment is preferable, but I know I cannot get the Wilson amendment up here. We have discussed why many, many times.

So the question comes now: Can we do it in the last days of this Congress? In the last two Congresses immmigration reform has been defeated because of time. In a very paradoxical sense, immigration reform may come forward this time because of time. That is, we are in a pressure cooker now. People understand we need immigration reform. More and more Members talk to those of us on the committees involved and say to us, "We need immigration reform. People are talking about it back home." So now folks are in the mood to do it. Since we have a little bit of time, maybe we are not going to be dilatory. Maybe we are not going to be evasive. Maybe we are not going to put it off to some other time, some other day, some other Congress, some other administration.

Remember, what Congress often does is create a commission to study things and then we are going to act on those commission recommendations. That happened in the last administration. I made some partisan remarks about the Carter administration taking this tough issue and doing what Congresses and administrations do, creating a commission and making sure the commission reports after the next election. They did it. But what happened? This commission did good work. This administration took those recommendations and refined them and sent them here. But that commission submitted its report in 1981. Do we want to wait another 5 years?

I asked Members to go down to the border and see what is happening. We are having more violence on the border, we are having more Border Patrol officers assaulted, shot at. We are having more illegal aliens shot at, hurt. Illegal aliens hurting illegal aliens. American nationals hurting illegal aliens. Illegal aliens hurting American nationals and American citizens.

We have got to deal with the problem. The point is we can talk about it, and this is a talking body, there is no doubt about it. But at some point in time we need action.

This is not a perfect bill; this is not a perfect rule. I think we have most of the major amendments allowed here for debate. There are others I would have wished to be allowed; others I wished we could have had an individual debate. I did not get everything that I thought was best; I did the best I could.

I am asking Members on my side to join with the President in his quest to get immigration reform. He has asked us to have immigration reform. No President in the last 20 years has done more to have immigration reform than this President.

This is not precisely what he would draft; it is not precisely what I would draft; it is not precisely what the gentleman from Kentucky or the gentleman from New Jersey would draft, but it is what we have got before us. If we continue in our pursuit of perfection for a rule or a bill, we will defeat the best we can do.

All we are asking the Members for now is give us a "yes" vote on this rule. Do not vote down the previous question. Give us a vote on the rule so we can do the best that is available to us, so we can deal with a bill that is the best that is available to us. That is what I think folks back home expect of us.

We have gotten a reprieve because of other things that are keeping us here in this House. We have got time; let us use this time wisely. Let us deal with this bill.

I happen to think that we have done what is necessary to make the compromise in the area of agriculture workers acceptable. I have to swallow hard for a lot of it, and I will swallow hard, but it is necessary.

For those of you who want legalization I say this is the train. There is no guarantee we will have legalization next time. For those of you who do not like legalization let me just tell you, if we postpone it this time, we will be here 2 years from now and 4 years from now and we all know we will move the date up for legalization if we have it. So if you do not want more legalized, vote for the rule. If you want some legalized, vote for the rule. Let us get on with the business. We need a "yes" vote.

Mr. BEILENSON. Mr. Speaker, I yield such time as he may consume to the gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. I thank the gentleman for yielding me this time.

Mr. Speaker, I am an optimist by nature. I hope sometime it will become possible for the Rules Committee to craft a rule that will please, on every occasion, every Member of this House; that would be very gratifying, I can assure you, to the members of the Rules Committee.

We have already, I thought, achieved in respect to this bill, a remarkable unanimity. A little while ago we had the rule up on the floor which was defeated because of the bitter feeling there was over the Schumer amendment between Members of the House on both sides of the aisle.

We also had a bitter disagreement between the minority and the majority; they wanted some things that we were not able to give them, we thought, in the rule. The rule was defeated. Later on, due to the heroic and magnificient efforts of the distinguished chairman of the Judiciary Committee and many of his colleagues, the gentleman from Mississippi [Mr. LOTT] and the gentleman from New York [Mr. FISH] and many others, the distinguished gentleman from Kentucky [Mr. MAZZOLI] and many others, they came to the Rules Committee and said, "We have been able to work out these differences; modification of the Schumer amendment. We brought the two parties together." So the Members of both parties of the Rules Committee met in the chairman's office before our formal meeting. We heard from Mr. LUNGREN, who has made a magnificient contribution. We heard from the chairman of the Judiciary Committee and finally the members of the Rules Committee agreed to go along with this agreement that had been worked out.

Now, it pained me when I came to discovery a little bit later I read the letter from Mr. GONZALEZ to the committee while we were in session. He wanted to be heard. We decided that since the essential agreement had been worked out we were pressed for time in the late afternoon, yesterday afternoon, early evening, that we did not think it was necessary to hear witnesses, but we went on and voted the rule out.

When I learned that my two beloved friends from California, Mr. ROYBAL, and from Texas, Mr. GONZALEZ, felt strongly about this matter, opposed to this rule, I felt very badly about it. I am sorry that they do not agree. But what a remarkable unanimity we do have between the parties and between the factions that have had differences over this matter.

With all my regrets to my distinguished friends, I hope there will be another opportunity when they can be fully heard. Maybe the changes can be made in the statute that will be agreeable to them, but we do need an immigration bill, I believe the majority of this House wants and immigration bill, this country wants an immigration bill. We have got a wonderful opportunity to have it now.

I hope this rule will be adopted and we can enact this measure.

Mr. LOTT. Mr. Speaker, I have no further requests for time, and I reserve the balance of my time.

Mr. BEILENSON. Mr. Speaker, I yield 2 minutes to the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. I thank the gentleman for yielding to me.

Mr. Speaker, the gentleman from Mississippi said it eloquently: If not now, when?

We are in a crisis; we have been in a crisis. In 1972 when this problem first began to fester, 200,000 undocumented aliens were apprehended trying to enter the country. Today, 1986, 14 years later, after having failed to address the problem, nearly 2 million undocumented aliens have been apprehended during this past year coming into the country.

□ 1320

The number who are not apprehended is unknown, though many believe that only one out of every three attempted undocumented entries are detected.

It is estimated, though there is no exact figure, that there may be as many as 8 to 12 million undocumented persons in the country. How can we live with this problem? How can we not address it? If we do not address it now, when?

The bill before us addresses the problem in two ways: One, by providing sanctions so that the employer who, up until now, has acted with impunity, will no longer be able to knowingly hire the undocumented person; two legalization, so that the millions who now live in servitude, as my friend, the gentleman from New Mexico, has described, will be given the opportunity to be eligible for lawful residency, and, if they choose, eventually citizenship.

It is a miracle that we have been able to bring diverse forces together to craft an agricultural compromise worthy of everyone's support. I hope that the previous question is not voted down, and I hope that the rule is adopted, and I hope that we have passage of this very critical measure today.

Mr. Speaker, all of us who have worked so hard for immigration reform were greatly disappointed when our recent efforts to get the bill to the House floor proved unsuccessful.

Rather than resign ourselves to letting the 99th Congress expire without a House vote on the immigration reform bill, I decided to convene a series of meetings to determine whether anything could be done to resolve the problems that prevented us from bringing this urgently needed legislation to the floor.

We have held a number of meetings, including discussions with Members of the other body. These were truly bipartisan meetings, and I was greatly encouraged by the spirit of compromise that characterized them. The key issue, of course, during these meetings was the agricultural worker issue. My colleagues will recall that the controversial nature of the guestworker program adopted by the House last year and the manner in which that program was treated in the previous rule was of deep concern to many of us. I had stated often that I could not support a bill with a guestworker program and for this reason, several of my colleagues attempted to work out an alternative approach which would ensure that those invited into this country to provide agricultural labor would be placed on the "road to citizenship."

However, it was apparent that the previous compromise worked out was not supported by this body because it granted immediate permanent residence to many of these workers.

As a result, last week we began to craft a new agricultural worker proposal which would continue to protect agricultural labor and at the same time accommodate the needs of western growers. The result is a modified agricultural program that I believe is worthy of the support of my colleagues not only in this body but in the other body.

Basically, while this new compromise postpones the acquisition of permanent residency, it still places these workers on the road to citizenship by granting a period of temporary residence followed by permanent residence. At the same time, these workers would be provided with the necessary rights to prevent against their exploitation.

Now, of course, the problem is one of time. With few days left in this term, we recognized that we cannot afford to consume inordinate amounts of floor time. Accordingly, I believe that only those amendments that are truly controversial should be debated and voted on. The rule now before us reflects that same philosophy and folds into the base bill additional noncontroversial amendments that were not folded in under the previous rule.

Mr. Speaker, there is no more time for delay. We have before us a fair and equitable rule that reflects the input of majority and minority Members alike.

The SPEAKER pro tempore (Mr. KILDEE). The gentleman from Mississippi [Mr. LOTT] has 4 minutes remaining and the time of the gentleman from California [Mr. BEILENSON] has expired.

Mr. LOTT. Mr. Speaker, I yield 1 minute to the distinguished ranking member of the Committee on the Judiciary, the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Speaker, I thank the gentleman for yielding me this time, and I do want to associate myself with

the remarks of the gentleman from California [Mr. LUNGREN] a few moments ago when he called for a "yes" vote on the previous question and a yes vote on the rule.

Since the House, on September 26, failed to agree on a rule providing for consideration of H.R. 3810, a lot of water has gone over the dam and we come before you today with the result of hours and hours of discussion, a bipartisan rule and bill that is being supported by the minority, as well as the majority.

I urge a yes vote on the previous question and a "yes" vote on the rule.

Mr. LOTT. Mr. Speaker, I would like to one last time urge my colleagues to vote for this rule, and I yield 1 minute to the gentleman from California [Mr. BEILENSON].

Mr. BEILENSON. Mr. Speaker, I thank the gentleman from Mississippi for yielding me this time.

Mr. Speaker, I, too, want to urge support for the rule and for the previous question and to join with the comments my friend from Mississippi [Mr. LOTT] made sometime earlier in commending some of the Members around here for having brought this to us.

Especially, if I may say so, I commend the senior Members who wrestled with this problem for a good many years, in many instances: The gentleman from New Jersey [Mr. RODINO], the chairman of the committee; the gentleman from Kentucky [Mr. MAZZOLI]; the gentleman from New York [Mr. FISH], and if I may also say so, the gentleman from the other body from Wyoming, [Mr. SIMPSON].

Mr. Speaker, illegal immigration is a large and growing problem. It deserves our attention and our positive action this year. It can only be solved through the actions of the Congress and the longer we leave it unaddressed, the larger and more difficult the problem becomes.

Our response to the problem will be both less effective and less successful and less decent and less humane the longer we wait. So let us pass this rule, get on with the business of confronting in a serious and determined way, this most serious and pressing domestic issue.

Mr. HUGHES. Mr. Speaker, I rise in opposition to the rule on the Immigration Control and Legalization Act, and urge my colleagues to defeat the resolution so we can bring the bill back to the floor with a rule which allows the Members of this House to address the key issues surrounding the immigration reform legislation.

Although there is general support for reforming our immigration laws, the legislation before us today fails to resolve the major problems which have led to the need for immigration reform—our porous borders and inadequate resources dedicated to alien interdiction programs. In addition, the legislation provides for the legalization of thousands of alien farm workers who have no ties to this country whatsoever, except for the fact that they have worked illegally in the U.S. agricultural sector for a limited period. Although the modified Schumer proposal is far better than the original, I cannot support a rule which does not allow amendments to this aspect of the legislation. I believe the Members of Congress deserve the opportunity to strike this provision which essentially creates a new amnesty program for farmworkers.

During Rules Committee consideration of H.R. 3810, I urged the committee to adopt a rule allowing me to offer a "triggered amnesty" amendment to delay legalization until a Presidential Commission determines that our borders are secure. The provision, similar to one included in the Senate bill, would adopt the Select Commission on Immigration and Refugee Policy's recommendation that legalization not proceed until appropriate enforcement mechanisms have been instituted. Despite the fact that the amendment would address many of the concerns which have been raised with regard to the bill, the rule does not provide for its consideration.

As you know, I am greatly concerned over the fact we are still a long way from bringing the border situation under control. Last year, the INS located 1,348,749 aliens in this country who were deportable under the Immigration and Nationality Act—millions more escaped detection. The Agency has an average of only one agent on duty for every 9.8 miles along the southern border. Only one out of every two or three illegal aliens who come across the border are apprehended, while one-third of the total apprehensions are repeat offenders.

No one knows for certain how many illegal aliens are already in this country, but estimates range between 3.5 and 10 million with more coming in every day. Indeed, we arrested our 1 millionth alien on May 25. In San Diego alone, we are averaging 1 arrest every 35 seconds. The INS estimates it will apprehend 1.8 million illegal aliens this year almost 5,000 per day—a 50-percent increase over last year's record level. During some periods, we have to stop the arrests because our holding areas are full.

It is clear that the INS and the border patrol have not been given the resources to address this serious problem. To fail to adopt the select commission's recommendations as part of the immigration reform package will only result in millions of more illegal aliens flooding across our borders and require Congress to confront the need for a second legalization program in the near future. I do not believe that the American people would support another blanket amnesty under these circumstances.

Mr. Speaker, it is not too late to send this measure back to committee and to bring the bill to the floor with a rule which will allow us to address these major issues.

Mr. BEILENSON. Mr. Speaker, I move the previous question on the resolution.

The SPEAKER pro tempore. The question is on ordering the previous question.

The question was taken; and the Speaker pro tempore announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER pro tempore. Evidently a quorum is not present.

The Sergeant at Arms will notify absent Members.

The vote was taken by electronic device, and there were—yeas 299, nays 103, not voting 30, as follows:

[Roll No. 447]

YEAS—299

Abercrombie	Eckert (NY)	Levine (CA)
Ackerman	Edwards (CA)	Lewis (CA)
Akaka	Edwards (OK)	Lipinski
Alexander	English	Livingston
Andrews	Erdreich	Long
Annunzio	Evans (IA)	Lott
Anthony	Evans (IL)	Lowery (CA)
Aspin	Fascell	Lowry (WA)
Atkins	Fazio	Luken
AuCoin	Feighan	Lungren
Badham	Fish	MacKay
Barnes	Florio	Madigan
Bates	Foglietta	Manton
Bedell	Foley	Markey
Beilenson	Ford (MI)	Martin (IL)
Bennett	Ford (TN)	Martin (NY)
Bentley	Frank	Matsui
Berman	Frenzel	Mazzoli
Bevill	Frost	McCandless
Biaggi	Fuqua	McCloskey
Boehlert	Garcia	McCurdy
Boggs	Gaydos	McDade
Boner (TN)	Gejdenson	McHugh
Bonior (MI)	Gekas	McKernan
Bonker	Gibbons	McKinney
Borski	Gilman	McMillan
Bosco	Gingrich	Michel
Boucher	Glickman	Mikulski
Boxer	Goodling	Miller (CA)
Brown (CA)	Gordon	Miller (WA)
Bruce	Gradison	Mineta
Bryant	Gray (IL)	Moakley
Bustamante	Gray (PA)	Mollohan
Byron	Green	Montgomery
Carney	Guarini	Moody
Carper	Gunderson	Moorhead
Carr	Hall (OH)	Morrison (CT)
Chandler	Hall, Ralph	Morrison (WA)
Chapman	Hamilton	Mrazek
Chappell	Hammerschmidt	Murphy
Chappie	Hansen	Murtha
Clay	Hatcher	Myers
Clinger	Henry	Natcher
Coats	Hertel	Neal
Coelho	Hillis	Nelson
Collins	Holt	Nichols
Conte	Howard	Nielson
Cooper	Hoyer	Nowak
Coughlin	Huckaby	Oakar
Coyne	Hughes	Oberstar
Daniel	Hutto	Obey
Dannemeyer	Ireland	Olin
Darden	Jeffords	Ortiz
Daschle	Jenkins	Oxley
Davis	Johnson	Packard
de la Garza	Jones (NC)	Panetta
Derrick	Jones (TN)	Parris
Dickinson	Kaptur	Pashayan
Dicks	Kasich	Pease
Dingell	Kastenmeier	Penny
DioGuardi	Kennelly	Pepper
Donnelly	Kildee	Perkins
Dorgan (ND)	Kleczka	Price
Dornan (CA)	Kolter	Pursell
Dowdy	Kostmayer	Quillen
Downey	LaFalce	Rahall
Dreier	Lagomarsino	Rangel
Duncan	Lantos	Ray
Durbin	Leach (IA)	Regula
Dwyer	Leath (TX)	Reid
Dyson	Lehman (CA)	Richardson
Early	Lehman (FL)	Rinaldo
Eckart (OH)	Levin (MI)	Rodino

Roe
Rogers
Rostenkowski
Rowland (CT)
Rowland (GA)
Russo
Sabo
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sharp
Shaw
Shumway
Shuster
Sikorski
Siljander
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert (OR)
Snowe
Snyder
Solarz
Spence
Spratt
St Germain
Staggers
Stallings
Stangeland
Stark
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Taylor
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Valentine
Vento
Visclosky
Volkmer
Vucanovich
Waldon
Walgren
Watkins
Waxman
Weaver
Wheat
Whitehurst
Whitley
Whittaker
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Yates
Yatron
Young (AK)
Young (MO)
Zschau

NAYS—103

Anderson
Applegate
Archer
Armey
Bartlett
Barton
Bereuter
Bilirakis
Broomfield
Brown (CO)
Burton (IN)
Callahan
Cheney
Cobey
Coble
Coleman (TX)
Combest
Conyers
Courter
Craig
Crane
Crockett
Daub
DeLay
Dellums
DeWine
Dixon
Dymally
Emerson
Fawell
Fiedler
Fields
Franklin
Gallo
Gonzalez
Gregg
Hawkins
Hayes
Hendon
Hiler
Hopkins
Horton
Hubbard
Hunter
Hyde
Jacobs
Jones (OK)
Kanjorski
Kemp
Kolbe
Kramer
Latta
Leland
Lent
Lewis (FL)
Lightfoot
Lloyd
Loeffler
Lujan
Mack
Marlenee
McCain
McCollum
McEwen
McGrath
Meyers
Miller (OH)
Molinari
Monson
Owens
Petri
Pickle
Porter
Ridge
Ritter
Roberts
Robinson
Roth
Roukema
Roybal
Savage
Saxton
Schroeder
Schuette
Sensenbrenner
Shelby
Skeen
Slaughter
Smith, Denny (OR)
Smith, Robert (NH)
Solomon
Strang
Stump
Sundquist
Sweeney
Swindall
Towns
Traficant
Vander Jagt
Walker
Weber
Wirth
Young (FL)

NOT VOTING—30

Barnard
Bateman
Bliley
Boland
Boulter
Breaux
Brooks
Burton (CA)
Campbell
Coleman (MO)
Edgar
Flippo
Fowler
Gephardt
Grotberg
Hartnett
Hefner
Kindness
Lundine
Martinez
Mavroules
Mica
Mitchell
Moore
Roemer
Rose
Rudd
Smith (NE)
Tauke
Weiss

□ 1330

Messrs. McEWEN, DENNY SMITH, DIXON, SUNDQUIST, and TOWNS changed their votes from "yea" to "nay."

Mr. HUGHES changed his vote from "nay" to "yea."

So the previous question was ordered.

The result of the vote was announced as above recorded.

The SPEAKER pro tempore (Mr. KILDEE). The question is on the resolution.

The question was taken; and the Speaker pro tempore announced that the yeas appeared to have it.

Mr. GONZALEZ. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 278, nays 129, not voting 25, as follows:

[Roll No. 448]

YEAS—278

Abercrombie
Ackerman
Alexander
Annunzio
Anthony
Aspin
Atkins
AuCoin
Badham
Barnes
Bates
Bedell
Beilenson
Bennett
Berman
Bevill
Bilirakis
Boehlert
Boggs
Boner (TN)
Bonior (MI)
Bonker
Borski
Bosco
Boucher
Boxer
Broomfield
Brown (CA)
Bruce
Bryant
Bustamante
Byron
Carney
Carper
Chandler
Chapman
Chappell
Cheney
Clay
Clinger
Coats
Coelho
Coleman (MO)
Collins
Conte
Cooper
Coughlin
Coyne
Daniel
Dannemeyer
Darden
Daschle
Davis
Derrick
Dickinson
Dicks
Dingell
DioGuardi
Donnelly
Dorgan (ND)
Dornan (CA)
Dowdy
Dreier
Duncan
Durbin
Dwyer
Dyson
Early
Eckart (OH)
Eckert (NY)
Edgar
Edwards (OK)
Erdreich
Evans (IA)
Fascell
Fawell
Fazio
Feighan
Fish
Florio
Foglietta
Foley
Ford (MI)
Ford (TN)
Frank
Frenzel
Frost
Fuqua
Garcia
Gejdenson
Gekas
Gibbons
Gilman
Gingrich
Glickman
Goodling
Gordon
Gradison
Gray (IL)
Gray (PA)
Green
Guarini
Gunderson
Hall (OH)
Hall, Ralph
Hamilton
Hammerschmidt
Hatcher
Henry
Hertel
Hiler
Hillis
Holt
Horton
Howard
Hoyer
Huckaby
Hutto
Jeffords
Jenkins
Johnson
Jones (NC)
Kaptur
Kasich
Kastenmeier
Kennelly
Kildee
Kostmayer
LaFalce
Lagomarsino
Lantos
Leach (IA)
Leath (TX)
Lehman (CA)
Lehman (FL)
Levin (MI)
Levine (CA)
Lewis (FL)
Lipinski
Livingston
Long
Lott
Lowery (CA)
Lowry (WA)
Luken
Lundine
Lungren
MacKay
Manton
Markey
Martin (IL)
Martin (NY)
Matsui
Mavroules
Mazzoli
McCandless
McCloskey
McCollum
McCurdy
McDade
McHugh
McKinney
Michel
Mikulski
Miller (CA)
Miller (WA)
Mineta
Mitchell
Moakley
Mollohan
Montgomery
Moody
Moorhead
Morrison (CT)
Morrison (WA)
Mrazek
Murtha
Myers
Natcher
Neal
Nelson
Nichols
Nielson
Oakar
Oberstar
Obey
Olin
Ortiz
Oxley
Packard
Panetta
Parris
Pashayan
Pease
Penny
Pepper
Perkins
Price
Pursell
Quillen
Rahall
Rangel
Ray
Regula
Reid
Richardson
Rinaldo
Rodino
Roe
Rogers
Rose
Rostenkowski
Rowland (CT)
Rowland (GA)
Russo
Sabo
Schaefer
Scheuer
Schneider
Schulze
Schumer
Seiberling
Sharp
Shaw
Shuster
Sikorski
Sisisky
Skelton
Slattery
Smith (FL)
Smith (IA)
Smith (NJ)
Smith, Robert (OR)
Snyder
Solarz
Solomon
Spratt
St Germain
Stallings
Stangeland
Stenholm
Stokes
Stratton
Studds
Swift
Synar
Tallon
Tauzin
Thomas (CA)
Thomas (GA)
Torres
Torricelli
Traxler
Udall
Valentine
Vander Jagt
Vento
Visclosky
Volkmer
Vucanovich
Waldon
Waxman
Weaver
Wheat
Whitehurst
Whitley
Whitten
Williams
Wilson
Wise
Wolf
Wolpe
Wortley
Wright
Wyden
Wylie
Young (MO)
Zschau

NAYS—129

Akaka
Andrews
Applegate
Archer
Armey
Bartlett
Barton
Bentley
Bereuter
Biaggi
Bliley
Boulter
Brown (CO)
Burton (IN)
Callahan
Carr
Chappie
Cobey
Coble
Coleman (TX)
Combest
Conyers
Courter
Craig
Crane
Crockett
Daub
de la Garza
DeLay
Dellums
DeWine
Dixon
Dymally
Edwards (CA)
Emerson
English
Evans (IL)
Fiedler
Fields
Franklin
Gallo
Gaydos
Gonzalez
Gregg
Hansen
Hawkins
Hayes
Hendon
Hopkins
Hubbard
Hughes
Hunter
Hyde
Ireland
Jacobs
Jones (OK)
Jones (TN)
Kanjorski
Kemp
Kleczka
Kolbe
Kolter
Kramer
Latta
Leland
Lent
Lewis (CA)
Lightfoot
Lloyd
Loeffler
Lujan
Mack
Madigan
Marlenee
Martinez
McCain
McEwen
McGrath
McKernan
McMillan
Meyers
Mica
Molinari
Monson
Murphy
Nowak
Owens
Petri
Pickle
Porter
Ridge
Roberts
Robinson
Roth
Roukema
Roybal
Savage
Saxton
Schroeder
Schuette
Sensenbrenner
Shelby
Shumway
Siljander
Skeen
Slaughter
Smith, Denny (OR)
Smith, Robert (NH)
Snowe
Spence
Staggers
Strang
Stump
Sundquist
Sweeney
Swindall
Taylor
Towns
Traficant
Walgren
Walker
Watkins
Weber
Whittaker
Wirth
Yates
Yatron
Young (AK)
Young (FL)

NOT VOTING—25

Anderson
Barnard
Bateman
Boland
Breaux
Brooks
Burton (CA)
Campbell
Downey
Flippo
Fowler
Gephardt
Grotberg
Hartnett
Hefner
Kindness
Miller (OH)
Moore
Ritter
Roemer
Rudd
Smith (NE)
Stark
Tauke
Weiss

□ 1355

The Clerk announced the following pair:

On this vote:

Mr. Weiss for, with Mr. Campbell against.

Mr. McKERNAN and Mr. WATKINS changed their votes from "yea" to "nay."

So the resolution was agreed to.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. BEILENSON. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days in which to

revise and extend their remarks during the debate on House Resolution 580.

The SPEAKER pro tempore (Mr. KILDEE). Is there objection to the request of the gentleman from California?

There was no objection.

IMMIGRATION CONTROL AND LEGALIZATION AMENDMENTS OF 1985

The SPEAKER pro tempore. Pursuant to House Resolution 580 and rule XXIII, the Chair declares the House in the Committee of the Whole House on the State of the Union for the consideration of the bill, H.R. 3810.

□ 1401

IN THE COMMITTEE OF THE WHOLE

Accordingly the House resolved itself into the Committee of the Whole House on the State of the Union for the consideration of the bill (H.R. 3810) to amend the Immigration and Nationality Act to revise and reform the immigration laws, and for other purposes, with Mr. NATCHER in the chair.

The Clerk read the title of the bill.

The CHAIRMAN. Pursuant to the rule, the first reading of the bill is dispensed with.

Under the rule, the gentleman from New Jersey [Mr. RODINO] will be recognized for 30 minutes, the gentleman from California [Mr. LUNGREN] will be recognized for 30 minutes, and the following Members will be recognized for 7½ minutes each: The gentleman from California [Mr. PANETTA]; the gentleman from Washington, [Mr. MORRISON]; the gentleman from Michigan [Mr. FORD]; the gentleman from Vermont [Mr. JEFFORDS]; the gentleman from California [Mr. WAXMAN]; the gentleman from California [Mr. DANNEMEYER]; the gentleman from Illinois [Mr. ROSTENKOWSKI]; and the gentleman from Tennessee [Mr. DUNCAN].

Mr. GONZALEZ. Mr. Chairman, I ask unanimous consent, in view of the fact that the time allotted to both sides is all given to those proponents and the spokesmen in behalf, that those of us in opposition be permitted to be heard for equal time.

The CHAIRMAN. The Chair would like to advise the gentleman from Texas at this time that the Committee of the Whole cannot entertain that request. The House has adopted the rule with respect to allocation of general debate.

PARLIAMENTARY INQUIRY

Mr. GONZALEZ. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. GONZALEZ. Mr. Chairman, can the Chair advise what precise time it would be in order to make such request?

The CHAIRMAN. The Chair would like to advise the gentleman from Texas that that request should be made in the House and not in the Committee of the Whole. The Committee of the Whole is unable and cannot change the rule recommended by the Rules Committee that has been adopted by the House.

The Chair recognizes the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I strongly support the measure before us.

Mr. Chairman, during each of the past two Congresses the Judiciary Committee has brought to the House floor legislation to reform our Nation's immigration laws. Over the past 5 years, in the Judiciary Committee alone, immigration reform legislation has been the focus of 23 days of hearings, during which we have heard testimony from over 250 witnesses. In addition, during that period, we have had 18 days of subcommittee and full committee markup, and during the 98th Congress, the House considered the bill for 7 days. Following that, House/Senate conferees met for 10 days in efforts to craft a compromise bill.

The bill before us today was favorably reported by the Judiciary Committee by a record vote of 25 to 10. The bill was then sequentially referred to six other standing committees, all of which considered it, and none of which adopted amendments fundamentally altering it.

Mr. Chairman, my purpose in reciting this brief history is to remind my colleagues that the legislation now before the House has been extensively analyzed and debated not only by the Judiciary Committee but by many other committees, and not only in this Congress but in five previous Congresses.

Despite this extensive analysis and debate, this bill, even with the non-Judiciary Committee amendments incorporated into it, remains essentially the same bill as the one approved by the House last Congress, as the one considered on the House floor in the 97th Congress, and, in fact, as the one approved by the Judiciary Committee way back in 1975. It is testimony, I think, to the reasonableness, the persuasiveness, and the urgency of the twin concepts of employer sanctions and legalization that despite the intense scrutiny given to the myriad immigration reform bills over these many years those twin concepts are still the cornerstones of the legislation we will be considering today.

In my opinion, there can be no true reform of our immigration policy unless those conceptually interlinked concepts are enacted, and should this bill at any time fail to include an effective sanctions program and a generous legalization program I will withdraw my support and actively oppose the bill's passage.

The arguments in support of employer sanctions are well known and I will not repeat them now. The concept of employer sanctions, which I devised in 1971, has received the wholehearted support of the past five administrations and was overwhelmingly endorsed by the bipartisan Presidential Commission on Immigration and Refugee Policy. Quite simply, until the magnet that draws people here—jobs—is removed, we will never be able to effectively control our borders.

As I have said before, I do not believe that the passage of employer sanctions will result in discrimination against minority members. Nonetheless, I recognize that there is a genuine and sincere difference of opinion on this matter with some arguing that some employers who do not understand fully the requirements of our sanctions proposal will prefer to play it safe by simply not hiring anyone who they believe may not be here legally. For this reason, when the Frank amendment was separately voted on in this body 2 years ago, it was approved by a vote of 404 to 9. Accordingly, I am now convinced that just as employer sanctions is an essential element of immigration reform the Frank amendment is an essential element of employer sanctions.

With respect to legalization, I think it would be worthwhile to explain the policy judgments and concerns upon which our legalization program is based.

Best estimates place the number of undocumented aliens in the United States in the millions. Consider what it must be like to live in an undocumented status. Because every contact with a government official could result in the discovery of the individual's immigration status and since that discovery culd result in deportation, undocumented persons must keep all contacts with governmental authorities to an absolute minimum. This means that when their homes are burglarized they will think twice about calling the police. When their employer short changes them or doesn't pay them for overtime, or pays them less than minimum wage, they will complain to no one. When their landlords refuse to fix the plumbing or refuse to provide heat, they will feel helpless to rectify the situation.

I submit that having within our borders millions of people living under this dark cloud of constant fear is not in the best interests of the United States. Once it is known that an individual is incapable of asserting his rights, there will always be those who are all too ready to exploit their advantage over that individual. In short, we are talking about made-to-order victims, and until these individuals are either removed from the United States or legalized, this utterly unacceptable situation will continue to exist. The options, then, are deportation or legalization.

The first option, deportation, is really no option at all. First, any effort designed to even attempt to locate, provide hearings to, and then physically deport millions of individuals would cost billions of dollars. To understand just how extraordinarily expensive such an effort would be one must realize that in a typical year INS now is able to deport only about 20,000 individuals at a cost of several million dollars.

Second, and more important, any effort to implement such a massive deportation program would necessarily involve sending out thousands upon thousands of INS investigators to scour the country in search of undocumented aliens. Hundreds of thousands of business premises would be raided. Any individual on the street who "looks or sounds foreign" would be stopped and interrogated. It is inconceivable to me that an investigative effort of this magnitude could be conducted without violating the rights not only of undocumented aliens, but also legal aliens and U.S. citizens as well.

The third reason why deportation is not an option is that, in the case of longtime residents, deportation is unfair, and would be perceived as such by the public. The Legalization Program contained in the bill before us covers only undocumented aliens who have resided continuously in the United States since before 1982 or before. Many of these individuals have U.S. citizen children. Many work with U.S. citizens. Many have U.S. citizen friends who, as we often see in the context of private immigration bills, would be appalled to learn that their hardworking friend or neighbor is slated for expulsion from the United States. I therefore do not think it surprising that in a poll conducted by CBS News earlier this year fewer than one-third of the respondents said that the law-abiding, undocumented persons who have lived here several years should be deported from the United States.

It is no secret that the great obstacle to the enactment of immigration reform, in recent years, has been the foreign agricultural worker issue. As I have said many times before, in my judgment this issue has no relevance to the problem confronting us—the problem of undocumented persons coming to and remaining in the United States.

I am strenuously and irrevocably opposed to any massive guestworker program. Aware of my feelings on this issue the gentleman from New York [Mr. SCHUMER], the gentleman from California [Mr. BERMAN], and again, the gentleman from California [Mr. PANETTA] set about, over a year ago, to craft an agricultural program that would satisfy the requirements of the large western growers without sacrificing in any way the rights or hard-won gains of either foreign or domestic farmworkers. The solution they crafted was to allow the farmworkers needed to become immigrants, rather than bring them in as nonimmigrants.

Some viewed this proposal as overly generous and could not support it. As a result, we recommended our discussions and negotiations, taking into account the views of a variety of Members, majority and minority alike. Of invaluable assistance in this process were not only the gentlemen already mentioned but also the gentleman from California [Mr. LUNGREN], the gentleman from New York [Mr. FISH], the gentleman from Washington [Mr. MORRISON], the gentleman from Texas [Mr. BRYANT], the gentleman from California [Mr. TORRES], the gentleman from Massachusetts [Mr. FRANK] and, of course, the gentleman from Kentucky [Mr. MAZZOLI]. We discussed that revised proposal with our Senate counterparts, and on the basis of their contributions revised the proposal once again. As before us today, this final proposal fully protects all farmworkers, provides the growers with the labor they may need, and should offend no one's sense of fairness or equity. It is a proposal I wholeheartedly support.

Mr. Chairman, before the year ends, INS will have apprehended a record number 2 million undocumented persons attempting to enter the United States. That is why it is absolutely essential that we act favorably on this most important legislation.

I am deeply concerned that if Congress does not meet its responsibility to put our immigration law and policy in order, we will soon see—as we are now witnessing in some areas of the country—increasing resentment against legal immigrants and refugees. I am fearful that unless action is taken to address the undocumented alien problem, the American people will forget their immigrant heritage and restrictionist pressures will grow.

Illegal immigration is not a problem that will simply go away. If we do not address it now, if we simply put our heads in the sand, we will allow a pressing problem to become an overwhelming problem. The American public is demanding action now. I hope this Congress does not let them down.

Mr. Chairman, I yield back the balance of my time.

□ 1405

PARLIAMENTARY INQUIRY

Mr. MAZZOLI. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state his parliamentary inquiry.

Mr. MAZZOLI. Mr. Chairman, momentarily I was on my feet just to be sure that when the gentleman from New Jersey [Mr. RODINO] our distinguished chairman, said he yielded back his time, not having yielded himself a specific sum, that he did not yield back the entirety of the Judiciary Committee time.

Mr. CHAIRMAN. The Chair understands the gentleman from Kentucky [Mr. MAZZOLI] is the designee of the committee, and serves in that capacity at this time.

Mr. MAZZOLI. I thank the Chair. And I will be then recognized for the remainder of our time?

The CHAIRMAN. The gentleman is correct.

The Chair now recognizes the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, as many know, I have long advocated that it is critical we complete action on this immigration legislation before the end of this Congress. Our subcommittee completed action on the bill long ago; the Committee on the Judiciary completed its markup on this bill in June; the Senate finished its bill last year.

As was mentioned in the debate on the rule, we considered a measure much like this 4 years ago in the late hours of the lameduck session; we had a virtually complete open rule; as many as 300 amendments were filed; no limitation of time, and we ran out of time.

Two years ago, we dealt with this bill on this floor with a very fair rule. We had 69 amendments in order. We spent 10 days over 2 weeks working that out. We went into conference; we spent many days in 1 month trying to work out a conference, and we were unsuccessful.

In both of those previous Congresses, the Senate acted far before the House did. So it seems to me that the focus is on the House. If we are going to get a bill out, the House must act; we cannot wait any longer.

The administration has repeatedly expressed its support for immigration reform legislation, particularly the President has. He has made statements in past years and early this year met with Chairman RODINO of the Judiciary Committee, with Mr. FISH, with Mr. MAZZOLI, and myself, giving his support for immigration reform legislation, including support, I might add, for funding.

Many share my own view that already we have a crisis on our southern border. We have huge numbers of undocumented aliens crossing our borders daily. What we witnessed in the last years is a deterioration of any semblance of control over who may enter into our country.

Last year we had 1.2 million apprehensions of people who were here illegally. This year, apprehensions are

running somewhere between 43 and 50 percent above last year.

By simple mathematical calculation, anyone can determine that we are going to have somewhere between 1.8 and 2 million apprehensions of illegal aliens this year. For every one apprehension that is made, Border Patrol officers will tell you somewhere between two and four successful illegal entries are made.

For Members who have been on the border recently, they can see how it deteriorates on a daily basis. Some members of my own delegation from California have been there more recently; as late as last week, and have told me about how it has even deteriorated from the last time I was down there.

The fact of the matter is, we have a crisis. It seems to have been recognized everywhere in the United States except in Washington, DC, on Capitol Hill, at least if you judge by the success of our attempts to have meaningful new legislation.

When you add up the numbers of people that come into this country illegally every year, on the low side this would amount to around 2 million people, or the equivalent of 4 new congressional districts on a yearly basis.

According to the San Diego Border Patrol—and they control only 66 miles out of the almost 2,000-mile border we have on the South; their apprehensions over the last 6 months, October to March, have risen by an incredible 48 percent over the same period a year ago.

More than 270,000 illegal entrants were arrested in just the 66-mile section that is under the control of the border control unit in San Diego. Of those illegal aliens, 6,500 were not from Mexico; were not Mexican nationals; but rather came from 55 different countries.

They not only are now coming from Central and South America; they are coming from Africa; they are coming from Asia; they are coming from Europe, both East and West; they are coming from every continent on the face of the Earth, but they find that coming through Mexico and through our southern border is a fairly easy transit today.

In the first 17 days of April we were averaging 2,451 arrests a day, a rate that led to more than 70,000 arrests for the month. That is just in that 66-mile section that is under the control of the Border Patrol for San Diego.

During this month, in the San Diego area, we are encountering an average of one undocumented worker, one undocumented worker picked up by the Border Patrol every 35 seconds. We know that we are locating at best only about half of the flow of illegal entrants.

The rest are making it past them, soon to join their compatriots throughout California and the rest of the country.

The numbers speak for themselves. They say more than any Member can say. The question is, what are we going to do about it? How bad does it have to get before we do something?

Elements that make up an immigration reform bill must be crafted to work in concert with one another. If we are going to demagnetize the attraction of unlawful entrance into the United States, we must have sanctions with respect to employers who knowingly—I underscore the word knowingly—hire those who are here illegally.

At the same time, if we have sanctions, we must not put those who have developed a dependency on undocumented labor in the position of either intensely violating the law or going out of business if they are unable to find a sufficient level of domestic labor.

It seems to me that is the reason we have to have some compromise in the area of agricultural workers. I do not particularly like what we have here; but it is the best we can get. I happen to think the Wilson amendment is a better, cleaner way to do it. I cannot get it. No one else can get it here. We have tried for 8 years. Are we going to try again? We can try for another 8 years, and we are still not going to solve the problem.

So yes, I have had to swallow hard, but I hope others will swallow hard in recognizing that it is necessary, as a result of the votes we have had on the floor, to do something in the area of agriculture.

The centerpiece of any comprehensive immigration reform bill, as I say, has to be sanctions against the employers who knowingly hire, refer, or recruit undocumented aliens for jobs.

But in addition to the control of our borders and in fact complementing that type of direct action on the control of our borders, in addition to having increased border patrol, there are humanitarian considerations supporting immigration reform that cannot be overlooked.

At present, undocumented workers are beyond the protection of our labor laws, or are afraid to report crimes. Many of us are undoubtedly familiar with the underground existence of the undocumented alien, and are not just using the term "underground" in a figurative sense.

Many of you have gone through areas of California, areas of Texas, areas of other parts of the Southwest of the Nation; you will find spider holes where people live in literally dug out dirt hovels, in which they may have an entrance that is no more than 3 feet. They get in there, they are about 1 to 3 feet below the ground; they actually are about where people are when they are buried, and they live there. They live in communities of thousands in southern California, with no water, with no amenities, using whatever is necessary; washing and drinking, using water that flows off the fields.

We have got to do something about that. If anybody believes, and I know some sincerely do, that we can round up every illegal alien that is here and send them home, I think they are sadly mistaken. We have to reach an accommodation with respect to those who have been here for a long time, and have roots in our community, and that means we have legalization.

There will be a motion to strike; I certainly respect the sincerity of the Member who is offering it and those who will support him, but I say please look at that carefully. I think you need a legalization of those folks who have been here for a long period of time.

The strange thing is, most people are against illegal aliens; most people will tell you to round them all up and send them home; but those same people will say: "By the way, Congressman LUNGREN, can your immigration subcommittee pass a private bill for this person I know down the street, for the woman who works in my house, for the children who go to school with my children, for the person in the church choir that I sing with; they don't happen to have papers. Will you do something for them?"

That is not schizophrenia; I think it is a recognization that most of the illegal aliens who are here are good people. They are humane people. They have come here to work, and when we know them, we in most cases like them and we will go out for them. But we know we have to do something overall about illegal immigration.

Let us reform the laws; let us have this bill brought forward; let us have the connection that I think is necessary between employer sanctions and legalization, and let us get on with doing the job we have to do.

Mr. ROYBAL. Mr. Speaker, would the gentleman yield?

Mr. LUNGREN. I yield to the gentleman from California [Mr. ROYBAL].

□ 1415

Mr. ROYBAL. I would like to get some information with regard to the contents of the bill. Can the gentleman tell us how much money is earmarked for the sole purpose of so-called protecting the borders, that is earmarked, not the overall amount but earmarked for the purpose?

Mr. LUNGREN. There will be an amendment that is in order to be offered by the gentleman from California [Mr. MOORHEAD] to authorize a 50-percent increase for 3 consecutive years.

Mr. ROYBAL. But in the bill you do not have anything.

Mr. LUNGREN. As the gentleman knows, last year, and certainly being on the Appropriations Committee, he is one of the people who has helped us, last year we had the largest single increase in the Border Patrol in history. We did that as a showing of good faith that we were going to go forward and help bolster the Border Patrol. The administration went along with us. We had 1,000 positions. But talking with the people in the Border Patrol, they said, "That is fine, give us more people, give us more manpower, but if you do not give us employer sanctions, you're not giving us what we need."

Mr. ROYBAL. Again, the question is how much money is earmarked to remedy the situation that the gentleman is talking about? If he does not know the answer, I can give it to him.

Mr. LUNGREN. Well, I thank the gentleman. If the gentleman has the answer, then he does not need to know, does not need an answer.

Mr. ROYBAL. No, no, I would like to have the figures.

Mr. LUNGREN. I do not have the figures at my fingertips, and my time is limited. If I have more time, I will yield, and we can go into that.

Mr. LUNGREN. Mr. Chairman, I yield 7 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. I thank the gentleman very much, and I thank the Chairman.

Mr. Chairman, I welcome the opportunity to join with a number of my colleagues in speaking in support of this legislation—H.R. 3810, the immigration reform bill.

Since the House on September 26, failed to agree to the rule providing for the consideration of H.R. 3810, the immigration reform bill, several of my colleagues and I have continued to meet in hopes of reconciling the controversial issues surrounding the agricultural labor provisions contained in the bill. Majority and minority Members in both the House and Senate have been meeting in close consultation to produce the agriculture agreement in the bill we have before us today. This agreement is the result of many hours of discussion on this issue with the hope of developing a compromise which would meet the major concerns of interested Members necessary for bipartisan support. As you can imagine, this has been no easy task. However, we continued to spend what little time we have still remaining in this Congress in these negotiations with one common objective in mind—that we complete immigration reform legislation this year before we adjourn.

We are at a time of crisis in the enforcement of our immigration laws. The public perception that immigration is out of control is, unfortunately, a correct perception. No legislation before this Congress is of higher priority. An immigration reform bill has been pending before Congress, in some form, for nearly 6 years since the select commission reported its findings and made its recommendations to the Congress. The Senate in three successive Congresses passed this legislation. If we fail to enact reform in this Congress, I fear that when a later Congress considers immigration reform, it will produce a bill which will be narrow and restrictive. It will be driven toward passage by what then will be the pent-up frustration of the American people.

I believe, then, that it is essential that we regain control of our borders if we are to have any hope whatsoever of avoiding a repressive public reaction that will fail to distinguish lawful immigrants and refugees from illegal aliens. At stake may be nothing less than a compassionate immigration policy. The American people in the face of an illegal immigration crisis should not lose sight of the fact that immigrants have been a great source of this country's strength, and refugees have made an immense contribution to our society. But huge numbers of illegal aliens rushing past our borders may have already started to blur that understanding.

I believe this legislation we have before us today contains the essential provisions needed to cope with illegal immigration. Most of us who have been intimately involved in the debate are firmly convinced that employer sanctions and legalization are necessarily intertwined, and that no bill can pass without a marriage of the two concepts.

Historically, the concept of employer sanctions has received the support of a number of administrations, has received favorable votes time and again in both Houses of Congress, and it is a view which was endorsed overwhelmingly by the diverse membership of the Select Commission on Immigration and Refugee Policy. In my opinion, it is the only effective option available to demagnetize the lure of jobs in the United States.

This legalization, finally, recognizes that substantial numbers of illegal aliens are here to stay and responds realistically and humanely to their plight. At the same time that we act with firmness to deter future illegal entry, we must display compassion in our treatment of those aliens who have become a part of our society. The conferral of legal status on undocumented aliens with years of U.S. residence will permit this population to come out of the shadows and contribute more to our country.

The select commission, by a 16-to-0 vote, favored a legalization program as part of its enforcement package. Precedents in U.S. law for legalizing the status of undocumented aliens can be found in the registry date—which serves as a statute of limitations on illegal entry—and the discretionary remedy of suspension of deportation.

In approaching legalization, we must attempt to strike an appropriate compromise between the views of those who would eliminate the legalization provisions entirely—and those who would provide lawful permanent resident status to those who only recently entered. A failure to provide a substantial legalization ignores the equities of persons who have lived in the United States for a number of years. A legalization that is excessively generous, on the other hand, may serve as too strong a magnet to further illegal flows.

Ultimately, without comprehensive immigration reform, we run the risk of losing political support for our historic humanitarian commitment to facilitating family reunification and offering haven to those fleeing persecution. When we bring family members together, and when we assist the victims of oppression to reconstruct shattered lives, we reaffirm our regard for basic human rights. This is the principle for which the United States has stood for many generations.

Chairman RODINO, along with Senator ALAN SIMPSON, Congressman MAZZOLI, Congressman LUNGREN and I, met with the President at the White House on the subject of immigration reform earlier this year. It was a very fruitful meeting and the President unequivocably lent his support to the adoption of immigration reform legislation. The Attorney General of the United States echoed this position when he appeared before the full Judiciary Committee in March.

Many of us who have worked long and hard to enact comprehensive immigration reform legislation, welcome the President's endorsement and applaud him and the Attorney General for assuming a leadership role.

Time is of the essence. Apprehensions along our southern borders have shot up dramatically in the first several months of 1986, as compared to 1985. As of September 30 of this year, the Immigration Service has apprehended 1.7 million undocumented aliens. This is almost double the amount apprehended in all of 1980, when the number of apprehensions was approximately 900,000 undocumented aliens. We are seeing aliens from many countries, not just from Mexico. In addition, as our maritime interdictions of drug trafficking continue to increase, more and more drugs are brought by land routes particularly across our southern border. Violence is also on the upswing. It is essential that we have immigration reform legislation enacted into law before it's too late—therefore, I am hopeful that we can give the President

a bill to sign on immigration reform before the end of this year.

Mr. Chairman, I plan to offer an amendment to strike a provision in the bill which grants extended voluntary departure to Salvadorans and Nicaraguans.

This provision requires the General Accounting Office [GAO] to conduct an investigation, beginning within 60 days of enactment, concerning the number, conditions, and impact of displaced persons within El Salvador and Nicaragua, particularly those returned to these countries from the United States. In addition, this provision prohibits detention and deportation to El Salvador, Salvadoran and Nicaraguan nationals continuously present in the United States from the date of enactment until 270 days after GAO transmits its report.

I oppose this provision because I believe that granting such status is inappropriate for illegal aliens from El Salvador and Nicaragua. Repeated studies of the treatment and condition of deported Salvadorans have disclosed no persecution upon their return to El Salvador. The Intergovernmental Committee for Migration [ICM], meets every Salvadoran who has been sent home by the United States, and offers resettlement and counseling assistance. Since December 1983, ICM has assisted over 7,000 returnees and has not reported a single case of political persecution. In addition, we already have all the information requested by the GAO report.

Congress passed the Refugee Act of 1980, to supplant the piecemeal and nation-specific legislation for refugees, for example, legislation for Cubans, and so on. Prior to 1981, refugees were paroled into the United States following consultation with Congress. But, this provision that has now been added to the immigration reform bill circumvents this system by creating a special system for handling Salvadorans and Nicaraguans in the next 2 years while waiting for the GAO report. In addition, it raises the prospect that a stream of Salvadorans and Nicaraguans will illicitly enter the United States. Exactly what this immigration bill is trying to stop. I urge my colleagues to support me in striking this amendment.

Mr. Chairman, there are a number of other controversial issues which must be resolved so as to achieve meaningful immigration reform. Any one of these issues could stall this important legislation. However, it is my hope that as we begin debate, Members will put the public interest above regional or special interests. This may be our last opportunity for comprehensive immigration reform before the problems at our borders preclude compassionate solutions rather than radical actions.

Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman from New York [Mr. FISH] yields back 1 minute.

Mr. MAZZOLI. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, let me take note of the gentleman who is in the chair today, my distinguished colleague from Kentucky, who also presided 2 years ago and earlier than that on this bill.

I want to thank the gentleman for his willingness to take on this bill, this very difficult task, and to discharge it with the aplomb and skill I am sure he will discharge it with at this time.

Mr. Chairman, legislative action, in the form of H.R. 3810, the Immigration Reform and Control Act, must be taken for three very fundamental reasons:

First, to prevent the uncontrolled influx of undocumented aliens into the United States;

Second, to end the current exploitation of millions of aliens who live in a twilight subrosa society, afraid to come forward, because of their illegal status; and

Third, to preserve the humanitarian traditions and generous ideals of this country regarding the admission of legal immigrants and refugees.

Regarding the first objective, it should be noted that during the last 2 fiscal years over 1 million undocumented aliens were apprehended and expelled from this country—the highest number ever. During the current fiscal year, even that record level is being outstripped. In one night alone over 3,000 undocumented aliens were apprehended along the border in the Chula Vista area. No one knows how many passed through undetected.

The authority of Congress—indeed its responsibility—to regulate immigration derives from a source even higher than the Constitution. In fact, the Supreme Court has stated on numerous occasions that the control of immigration is an inherent power arising out of national sovereignty and existing without regard to any constitutional grant.

For Congress to ignore its responsibility in this area by failing to consider and enact immigration reform and control legislation is to ignore the very sovereignty upon which our Nation is based.

We cannot turn away from this monumental problem, simply because it is difficult to solve, simply because it is politically sensitive to deal with or simply because 1986 is an election year.

This Nation must exercise its sovereign right—and its sovereign responsibility—to control its borders and it must do so now.

If we fail to act, I am fearful that the continued existence in the statute books of our Nation's fair, humane, and generous programs for admitting legal migrants—immigrants and refugees—may be in jeopardy. The patience of a people—already strained—could end abruptly toward all entrants, not only those who enter illegally.

In addition to the uncontrolled influx of undocumented aliens nightly, millions are already in this country. These persons live in a subrosa, twilight society. They are vulnerable to exploitation because of their illegal status. Unscrupulous employers prey on their fear of discovery and use threats of deportation to quell complaints about treatment, working conditions, and pay.

That is why we need immigration reform. Now I will turn to why we need H.R. 3810.

H.R. 3810 seeks to solve our Nations' immigration problems through a package approach. I assert that enforcement and interdiction efforts alone cannot control U.S. borders. Employer sanction provisions alone cannot. Legalization alone cannot. The solution can only come through a combination of these elements. H.R. 3810 contains just such a combination which could—and I think will—bring order and control out of the present chaos.

The critical elements of H.R. 3810 are these:

First, the bill imposes penalties on employers who knowingly hire undocumented aliens. This provision will terminate the lure—money and jobs—which attracts undocumented aliens from across the border by the billions.

These people do not come to the United States for our spectacular vistas, our climate, or our clean air. They come to work and to improve their lot in life. As long as work is available, they will continue to come, and, as many have pointed out in hearings before my subcommittee, even an army along our border will not stop the flow if jobs await them in the United States.

Contrary to what opponents of the bill have suggested, employer sanctions in H.R. 3810 are not discriminatory. Employers must verify the employment eligibility of all applicants not just those who wear ethnic attire or who speak accented English or the like.

In addition, the bill contains a specific provision aimed at preventing any unintended discrimination and at remedying any which might occur.

Also contrary to what opponents of the bill have said, nothing in the bill establishes a national identification card.

To ensure that a person is authorized to work, the employer, under H.R. 3810, would simply ask the job applicant to present a commonly possessed identification document such as a

Social Security card, driver's license or alien registration card. And, such identification can only be requested at the time of hiring and only by an employer—never by any other officials. Without a verification procedure, sanctions cannot be implemented nor will they be effective.

Another integral part of this immigration control package is a program to deal with the millions of undocumented aliens now living in the United States, some of whom have been here for many years. Devising such a program has been one of the most difficult challenges faced in crafting this bill.

It became clear to our subcommittee early in the development of a reform bill that the United States had neither the personnel nor the resources—nor probably the national will—to conduct a massive deportation of all persons here without proper papers.

For my part, even were there the personnel, resources and will, I do not feel a deportation of every undocumented person would be humane, generous or in keeping with the tradition and spirit of our land.

Well, if we don't deport them, what do we do with them? We establish—as H.R. 3810 does—a carefully controlled, case-by-case legalization program for those undocumented aliens who can prove they have been in the United States since January 1, 1982.

This is not a wave of the hand blanket amnesty, as some have suggested, but a case by case carefully controlled legalization program.

Each applicant for legalization will have to establish that he or she has been a positive contributor to society, and has not violated any major criminal laws. Each individual seeking to be legalized must meet the same standards and pass the general grounds for exclusion as those who today legally enter the United States.

It should be noted that individuals applying under this legalization section, if successful, will become temporary resident aliens only, not U.S. citizens. They can adjust their status to permanent residence only after living 1 year in the United States in good character and after demonstrating basic citizenship skills.

Even then, each permanent resident alien will have to wait at least 5 years before applying for citizenship, during which time the applicant must live a blameless life. Under H.R. 3810 the newly legalized resident aliens would be ineligible for welfare benefits for 5 years except in case of emergency medical care and aid to the blind, aged, or disabled.

Third, the bill contains provisions concerning agricultural labor. Despite all the hoopla and attention given these provisions of late, the Agricultural Labor Program is merely one aspect of the bill, a small aspect at that, in my opinion. It certainly is not a critical element in solving our illegal alien program.

I opposed the Schumer-Berman-Panetta compromise at the Judiciary Committee markup—we were urged to accept the compromise without so much as the change of a jot or title because to alter the compromise was to destroy it and the bill itself.

Once, however, the compromise left the committee and was subjected to public scrutiny and careful study, the multitudinous and serious flaws, which I tried to point out to the committee, came to light and produced a veritable firestorm of opposition and concern.

I am still uncomfortable with the dual premises of the compromise to grant temporary or permanent residence to agricultural workers, to benefit the workers, and to guarantee growers a ready supply of nondomestic replenishment agricultural workers, to benefit the growers.

However, the Rules Committee, pursuant to my request, and in response to the firestorm of concern over the agricultural labor compromise, folded into the bill five separate amendments I authored which cure—or at least open to fuller cure in conference—the most egregious flaws in the Schumer-Berman-Panetta compromise. These brought the compromise more into line with the underlying premises of our original bill.

In several discussions over the past few days the agricultural labor provisions have been even further modified and altered and made more realistic.

I still am not totally comfortable with this, but it is infinitely more workable and less preferential than what the Judiciary Committee reported.

Finally, H.R. 3810 strengthens INS enforcement and service to the public efforts by authorizing supplemental resources and makes several other changes to strengthen the existing Immigrant and Nationality Act.

These then, are the main provisions of H.R. 3810.

This bill did not originally spring full blown from the fevered brows of RON MAZZOLI and AL SIMPSON—it, from the start, has reflected the insight and recommendation of hundreds of experts and lay people.

It specially reflects the work and wisdom of Rev. Theodore Hesburgh, CSC, president of my alma mater Notre Dame University, who headed the Special Commission on Immigration Reform and whose 1981 magnum opus on the subject forms the outlines of the bill before this body today.

To its everlasting credit and its remarkable resiliency, the Simpson-Mazzoli bill today—6 years after its drafting—contains the exact same major components as it did at the start. They have been modified but they retain their original form. This is added reason to adopt this measure. It has stayed the course.

As I have said often and repeat in concluding my remarks today: The Simpson-Mazzoli bill may not be a perfect bill, but it is the least imperfect bill extant. It deserves to become law.

Mr. LUNGREN. Mr. Chairman, I yield 3 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, it grieves me to rise in opposition to the bill that is presently before us because I have spent a considerable amount of time laboring in the vineyards of the Immigration Subcommittee to try to craft a bill that is true immigration reform. Unfortunately, this bill is not immigration reform. It is amnesty for literally millions of illegal aliens masked in the cloak of protecting the borders of the United States.

As I pointed out in my debate on the rule, there are three types of amnesty offered in this bill. There is the regular legalization program, which has been around since the bill was first introduced in 1981; there is the Moakley-DeConcini amnesty for Salvadorans and Nicaraguans. There is the Schumer amnesty for agricultural workers.

Now, this is a far cry from the original Hesburgh Commission report that tied employer sanctions with a tightly drawn legalization program, a two-tier program where people who have not been in the United States a long period of time received temporary residency status, and those who have been in for a much longer period of time received permanent status which led to citizenship. Furthermore, with the adoption of the Garcia amendment by the Rules Committee, the employer sanctions which I support and which I feel are a necessary ingredient to shutting off the magnet, are sunsetted. So what we have, when this bill passes and plays out in 5 years, are no employer sanctions left but millions of people who are on the road to citizenship and will be eligible for public assistance and free public education because they are here under color of law.

Now, that is going to be very costly not only to Federal Government taxpayers but also to State and local government taxpayers, and we really have not solved the problem once the employer sanctions disappear.

So contrast the bill that is before us with the original Hesburgh provision recommendations, the employer sanctions have been weakened and sunsetted, but the amnesty has become more generous by turning the two-tier amnesty into a one-tier amnesty and then adding the two additonal classes of illegal aliens that would be amnestied in under the Moakley-DeConcini provisions as well as under the Schumer agricultural labor provisions.

□ 1430

Honestly speaking, I think that we would far better serve the public by going back to the very beginning, by dealing with the bill that controls our borders and deals with legal as well as illegal immigration, rather than having this bill turned into an agricultural labor bill which is the way it has evolved in the last 2½ to 3 years.

I think that the bill is not going to close off our borders to illegal aliens. It is a very expensive ticking timebomb which will increase the hostility toward aliens among many parts of the public, which I believe would be unfortunate.

Mr. MAZZOLI. Mr. Chairman, I yield, for purposes of debate only, 2 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I would simply say that this is a very difficult bill. I would not support this direction that we are taking today except for one thing, and that is it is clear to me that the risk of discrimination acclaimed by the opponents of this bill pale against the existing and growing discrimination against Hispanic Americans resulting from unbridled, illegal immigration into this country. That will not stop unless we stop illegal immigration.

I only have time to mention two segments of the bill. An amendment will be offered to strike the very limited criminal penalties that are in the bill at the present time.

I want to make this point. This bill allows three bites at the apple for one who continues to hire people who are not citizens of this country, and penalizes them civilly only. Only a person who is convicted of a pattern of practice could be found criminally liable under this bill and sentenced to 6 months in jail, and that does not apply to paperwork. It should be made very clear that those provisions do not apply to paperwork. I urge the Members to reject any effort to eliminate the very limited criminal penalties that are in this bill.

Second, an amendment will be offered to exempt people from the employer sanctions who hire three or fewer employees. It is called the Beverly Hills amendment. I strongly urge the Members to reject that amendment as well.

The purpose of this bill is to announce a single and clear message to the world that you should not come here expecting to find a job because, when you get here, you will find that it is illegal to hire you. Do not come here expecting to find a job because, when you get here, you will find that it is illegal to hire you.

The Beverly Hills amendment says, "Come on in anyway. Come live in the shadows, and maybe you can get one of those very rare jobs in which the employer only hires three or fewer people." That is a cruel invitation that is wrong for the United States of America to offer. We should not invite people to come here and live illegally so we can have maids and so we can have servants. We ought to send a consistent message to the world, "We have established a policy that only those people who are here legally will be allowed to have a job in the United States."

Mr. McCOLLUM. Mr. Chairman, I yield myself 5 minutes.

Mr. Chairman, I think that every one of us who have debated this issue realizes that the guts of this legislation, the critical point behind it all, is that in order to control our borders, we simply have to make it illegal for an employer to knowingly hire an illegal alien. We have got to end the magnet of coming to this country to get a job. The economies of other parts of the world, particularly some of our neighboring countries, are such that it is just too inviting to come over here and be able to get a job and work in the United States and stay here illegally, for us to be able to control our borders and to stop people coming in here illegally with the normal procedures for patrol and guarding, and so forth, that have been going on over the years. I strongly support that provision.

The only question, the only real issue to be debated, is one of whether we have to put other baggage on to that provision in order to get it passed and into law.

Some say we have to. But it particularly concerns me and grieves me that we would legalize millions of those here illegally, and I think quite unnecessarily, in the name of some kind of balance and necessity to get the law passed. It is called employer sanctions to make it illegal to hire people who are here illegally.

I am going to offer an amendment when the opportunity presents itself, as I have done in previous Congresses, to strike from this legislation the so-called amnesty or legalization provisions. It seems to me it is very unfair, unfair particularly to have legalization in this bill, unfair particularly to those who stand in line and have stood in line for years and years by the thousands to come into this country in a legal fashion, whatever country they are from, in Europe or any other part of the world. Therefore, the legalization that we are putting in this bill for the illegals is dead wrong on a fairness ground.

Second, it is wrong to have legalization and reward lawbreakers, and that is exactly what those illegals here today are. As much compassion as we may have for individual cases, they are breaking our laws, laws that say you have to go through certain particular procedures to come here.

Last, but I think the most important reason why we should not have legalization, why my amendment to strike it should be voted for, is that by passing a legalization provision, a date like January 1, 1982, where you grant the equivalent of blanket amnesty—we can fudge about the term, but that is basically what it is—to everybody who has been here for any time since that date, by doing that, we are in effect sending a signal to those across the border to come over here and try to get the fraudulent documents necessary to get to stay here. And to others who might not be willing to try the fraudulent route, we are saying we have done it once now, we will probably do it again. I think that is a horrible magnet message to be sending out.

We have in this country today—what?—20 million illegal immigrants? I do not know the number. A lot of people say it is less. But we have been talking about lesser figures for years, and we have been talking about 2 million coming in 1 year and, by my arithmetic, there are at least 20 million. If, as somebody has estimated, 64 percent of those who are here illegally come forward for legalization and there are seven relatives for every one who comes forward who will be legalized in the next 10 years after this program starts, we are talking about adding 90 million new Americans to the rolls of citizenship in this country in the next 10 years—90 million. That is too many for us to absorb and assimilate in the timeframe when we have a country of 240 million right now.

What happens if the people are denied this legalization and we put in employer sanctions? What happens to the illegals? Most of them are going to go back when they cannot get a job. Not everybody is cut off. If you have a job right now illegally, you get to stay in that job. But most of them will go back. Nothing is going to happen to them.

But for those who have been here since since January 1, 1976, even by adopting my amendment to strike legalization, they will be able to stay if the Attorney General says so under his discretion, because we have moved up the registry date from 1948 to 1976. I think that is appropriate.

For the rest of this bill, I am as concerned as anyone else about the Salvadoran question. I do not think we have any business granting extended voluntary departure. I hope that the Fish amendment is adopted. It is wrong to give that. The people who are here illegally now from El Salvador can return peacefully to that country. I think the debate will show it.

The Schumer amendment that we discussed at some length earlier, I think it is a very bad provision on agri-

culture in this bill, because it is a second amnesty. But I am not going to go into the details of why that is so bad.

Last, but not least, I am disappointed not to have the opportunity to strike from the bill—and I hope the other body will take care of it in conference—the provisions that grant for the first time the opportunity for Legal Service Corporation lawyers to get into the business of aiding H-2 temporary workers who really already have all the contract legal services that they need. It disappoints me that the Rules Committee and some of my colleagues did not permit this body to work its will on that issue to debate the question of what Legal Services' taxpayer-paid lawyers have, what business they have, in providing free legal assistance to those who are here under that H-2 temporary worker program, when we have so many of our own citizens today in this country who cannot afford the lawyer that they need.

I hope my colleagues deliberate seriously this legislation. We need the employer sanctions.

Mr. MAZZOLI. Mr. Chairman, I yield 2 minutes to the gentleman from Virginia [Mr. BOUCHER].

Mr. BOUCHER. Mr. Chairman, I rise in support of immigration reform legislation, and I want to commend my colleagues on the Judiciary Committee, both on the majority and minority side, for bringing this compromise before the House.

Mr. Chairman, I would like to spend the few minutes I have detailing one section of the bill which is noncontroversial—the reforms of the H-2 program.

I was pleased to work actively with the gentleman from California [Mr. BERMAN] in crafting these provisions. In cooperation with the interested parties, we reached a useful agreement.

The H-2 compromise balances the competing interests of growers of nonperishable crops, domestic farmworkers and foreign H-2 workers.

The compromise protects the priority for domestic workers in temporary agricultural jobs.

It streamlines and codifies much of the existing H-2 program which has existed largely in regulation since its inception, thereby making it more workable for H-2 growers.

And, perhaps most importantly, I believe it helps move immigration law reform forward by removing what may have been a contentious issue and giving Members a reason to vote for the bill.

I urge my colleagues to support H.R. 3810 as amended, and I am including in the RECORD with my remarks a brief summary of the H-2 compromise:

HIGHLIGHTS OF THE H-2 PROVISIONS OF THE IMMIGRATION BILL

A. Foreign workers will not be brought into the country unless U.S. workers are not available to take the jobs.

B. Workers who are hired through the program cannot depress the wages and working conditions of U.S. workers.

1. This means H-2 workers get certain benefits—reimbursement for transportation costs, a meal allowance, a guaranteed contract, protection under workers' compensation, and housing.

2. With specific respect to housing, the compromise requires employers either to provide their own housing or to rent housing for the workers on the open market.

C. The compromise requires that a notice be circulated throughout the country about availability of jobs, and that employers do additional recruitment when the Secretary of Labor finds there are able, willing, and qualified workers in a traditional area of labor supply.

D. The compromise makes clear that growers can join associations to use the program, and that there are penalties for abusing the program, including being barred from it. It also clarifies where liability lies for various forms of association.

E. The compromise sets a more reasonable time before the harvest when growers should apply—no more than 60 days before the date of need—and encourages the Secretary of Labor to act on all applications promptly so that recruitment can be carried out fully.

F. The compromise contains a modified form of the so-called 50-percent rule, which is currently in regulations, which requires employers to continue to hire domestic workers after the harvest is started and the H-2 employees have already entered the country. The amendment language provides that after 3½ years, Congress can either take appropriate action to continue, end, or modify the 50-percent rule, or else the Secretary of Labor shall promulgate regulations in this area balancing both the preference for domestic workers and the costs to employers of the 50-percent rule.

G. The amendment authorizes money for the Department of Labor to step up recruiting of domestic workers and to monitor compliance with the program.

H. The compromise contains the language agreed to in conference 2 years ago that gives overall regulatory approval to the Attorney General and supporting roles to the Secretary of Labor and the Secretary of Agriculture.

□ 1440

Mr. MAZZOLI. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. I thank the gentleman for yielding me this time.

Mr. Chairman, the House has an historic opportunity today to do something which really should have been done years ago. We did pass an immigration bill previously in 1984, unfortunately, the conference broke up over the administration's desire to impose a cap for reimbursement costs and for States like Florida, California, and others that would have been terrible, inappropriate thing to do.

We have now been granted an additional chance to do the right thing for this country. Let me take a slightly different tack in the short period of time that I have.

You have heard and will hear from all the other speakers what is right and what is wrong about this bill. But what is something that will very rarely be told is the truth about what it is costing America by having all these illegal aliens here not paying taxes, drawing Federal services, drawing State and local services which the taxpayers of America are paying for.

The program of legalization, and it is not amnesty; nobody gets blanket amnesty, nobody has a magic wand waved over them; they have to apply, they have to qualify, they cannot be automatically excludable under the laws that exist even now. They must affirmatively come forward. They are today taking the jobs of Americans and getting paid off the books.

They have no protection under the law. They do not get protection by the employers who are exploiting them. They do not pay taxes to the United States. They do not have payroll taxes paid for them. In the end, that is draining every year over $100 billion in revenue at the State, local, and Federal level from the tax money which could be used to do other things, including reducing the deficit.

By making these people come forward out of the shadows, out of that subrosa economy, we are going to help the United States.

The second thing this bill does is give us the ability to enforce our laws once and for all, to take them out of a melange of laws that are inappropriate, ineffectual and not being enforced correctly, the dedication to start doing the right thing for this country. To seal our borders and protect this country from illegal aliens.

We must pass this bill in this form.

Mr. MAZZOLI. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. BADHAM].

Mr. BADHAM. I thank the gentleman for yielding me this time.

Mr. Chairman, first I wish to commend the gentleman from Kentucky [Mr. MAZZOLI], and the gentleman from California [Mr. LUNGREN] for their tireless efforts in putting forth terribly, terribly necessary legislation for the furtherance of this country and its society.

Mr. Chairman, today, I rise in support of this bill only because it is at least one step toward the day when we as a Congress take seriously the problem of illegal immigration. However, I hasten to add that this piece of important legislation has been watered down and softened by the amendment process to the point that it is a bit crippled.

The situation along our border with Mexico at present is almost completely out of control. It must be dealt with aggressively, directly, and very soon

before it is too late to reverse. Unfortunately, a majority of this body either does not share my views or refuses for political reasons to address it as a high priority.

My own position on this issue was stongly reinforced during a recent visit to the San Ysidro/San Diego border sector with Harold Ezell, regional commissioner of the Immigration and Naturalization Service, along with the Chief of the Border Patrol, Alan Eliason. I saw first hand thousands of illegal aliens crossing into the United States virtually unimpeded by the threat of arrest, or fear of the ruthless bandit gangs that roam the border areas to murder, rob, and assault them.

I watched from the ground and from a helicopter as scores of men, women, and children gathered in open fields on our side of the border to meet the guides who would take them north. I spoke with a large group of illegals and learned from them how easy it is to come into our country without documentation. As I looked through night vision binoculars, I saw dozens of people dart through our porous border fence, across a darkened riverbed into a suburban San Diego County residential area.

Senior Border Patrol officers readily concede that they do not have nearly enough manpower or enforcement technology to cope with the annual influx of more than 1 million illegal immigrants in the San Diego sector alone. For every one apprehended, another makes it safely into the United States. Most of those arrested and sent back to Mexico are back across the border within a matter of hours.

One guest on my recent border tour was a second generation Hispanic city councilman from Santa Ana whose parents entered this country illegally many years ago. He strongly supports quick and decisive action to control the present flood of illegals into this country because he and I know that eventually, our economic structure will not be able to support them. We already are dangerously close to the saturation point with regard to the types of nonagricultural employment generally sought by illegal immigrants.

Mr. Chairman, the real keys to worthwhile, effective immigration reform fall into two basic categories—economics and enforcement.

The economic issues are varied and complex. Most of those coming here illegally are merely seeking a better life for themselves and their families, fleeing the struggling economies south of the border. Ironically, many of those now entering illegally would have crossed the border routinely and legally only two decades ago to work during peak agricultural seasons under the now-defunct "bracero" program.

Solutions to such economic problems are not easy. We must redouble our efforts as a nation to help revitalize the economies of our southern neighbors to encourage their citizens to stay at home to earn their livings. To provide a disincentive for those who do continue to enter illegally to seek employment in the United States, any solution must at least involve stiff and prohibitive sanctions on those who knowingly hire illegals. At the same time, however, we must provide a stable work force to sustain our vital agricultural industry by instituting a new and carefully monitored guest-worker program.

In the area of enforcement, our Border Patrol needs new resources to perform its job more effectively and to eliminate the threat posed by those who bring drugs and other crime into our country. New law enforcement technologies must be applied and additional manpower must be provided, particularly if we institute new employer sanctions and a controlled guest-worker program. Any amnesty provision for illegals who already are in this country must be strictly limited, with eligibility based upon demonstration of a working knowledge or the English language and desire to become a productive contributor to the economy.

Each year for the past 5 years, I have cosponsored legislation to undertake a major reform of our present inadequate immigration system. Each year, my colleagues in the other body have acted quickly and decisively on reform bills but each year, this House has moved to block meaningful and effective reforms. Obstacles have been thrust in our path that have, unfortunately, annually prevented us from taking meaningful action to address this crisis.

This year, we have made another attempt but again, steps have been taken to soften the reforms by the introduction of amendments that will render some of the tougher provisions of the bill almost ineffectual. While I will support this bill as the only reform vehicle before us, I will continue to press hard for real reforms that address the kind of problems I have seen personally at our border with Mexico.

Mr. MAZZOLI. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. I thank the gentleman for yielding me this time.

Mr. Chairman, I rise, since I was not able to interject my remarks during the time the two immediate predecessor speakers spoke, I want to remind the gentleman and my colleagues that the President's Economic Report says that the presence of these aliens is beneficial economically to the United States. I think the Members ought to bother to read the President's Economic Report that he handed to us a few months ago.

The CHAIRMAN. The Chair will inform the Members that the gentleman from Kentucky [Mr. MAZZOLI] has 16½ minutes remaining; the gentleman from California [Mr. LUNGREN] has 5 minutes remaining.

Mr. MAZZOLI. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GARCIA].

Mr. FORD of Michigan. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GARCIA] out of the time allotted to the Committee on Education and Labor.

The CHAIRMAN. The gentleman from New York [Mr. GARCIA] is recognized for 4 minutes.

Mr. GARCIA. I thank both gentlemen for yielding me this time.

Mr. Chairman, we are debating the Rasputin of legislation today. It will not die, no matter the circumstances or changes made, and while I, again, have reservations concerning this legislation, I cannot be anything but amazed by the continuing saga of immigration reform in this body.

I would be remiss, if I did not take a moment to commend the distinguished chairman of the Immigration Committee for his efforts to accommodate all of us who have concerns regarding the legislation before us.

What makes this particular bill so vital is not only its impact on the flow of immigrants to this country, but how we as a nation perceive that flow, whether or not we consider it to be beneficial to the building of the United States or whether or not we believe that the flow must be stopped—at all costs.

I have thought long and hard about this issue and about this bill. I want to emphasize from the start that I am in agreement with the framers of this legislation on one crucial point: We need immigration reform. Yet, that reform cannot come at the expense of any group, community, or branch of Government; whether or not it is Hispanics, blacks, or Asians; whether or not it is small or large businesses; whether or not it is State or local governments. Reform must be fair, as well as realistic.

I have several problems with this bill, but, again, my primary concern centers around employer sanctions—that provision in the bill which would fine employers for hiring an undocumented person. At face value, one might ask: What's wrong with sanctions? Shouldn't it be illegal to hire persons who are here without proper documents? In a word, No. I say no. Because in our zeal to slap the hands of those who would hire undocumented persons, we are also setting up a situation where employers would rather not hire a person of color because of the risk of a fine.

It's not the bigots that concern me; they will always find a way to discriminate. No; it's the ordinary small businessperson who isn't going to take any chances. They can't afford to. That is why we must, at all costs, maintain, the antidiscrimination provisions in this bill. We must fight back any attempt to eliminate or alter those provisions.

Another aspect of this bill troubles me. This legislation does not take into consideration foreign policy concerns. It attempts to deal with immigration reform, not at the border, or before the border, where the problem begins, but over the border, where enforcement is much more difficult and much less permanent.

There is a provision in this bill, however, which at least recognizes the effect that our foreign policy has on the flow of refugees to this country. It is that section that would extend extended voluntary departure status to Nicaraguan and Salvadoran refugees until such time as the turmoil in their nations has quieted. Again, any attempt to strike this provision from the bill would greatly weaken the overall legislation.

Finally, Mr. Chairman, as I and so many others before me have said, this is a nation of immigrants. There is not one of us in this Chamber who cannot trace their ancestry, at least part of it, to another part of the world.

We are the product of adventurers, reformers, castoffs, and slaves. Yet, we have beaten the odds and defied those who turned their backs on our ancestors by creating this, the greatest Nation in the world, a nation not built on royalty or aristocracy but on pride and heart. We have been able to create such a great Nation because our Nation, as symbolized by the Statue of Liberty, has been receptive to the flow of immigrants. We have not been afraid to open our doors.

We are not a homogenous nation, thank God. When I go back to New York City, my home, I can go around the world just by moving from neighborhood to neighborhood. I can hear the music of my heritage playing on the streets of the South Bronx—the Salsa beat makes me feel at home in my barrio, my neighborhood. I can go across the bridge and hear a different but just as energetic music, American jazz, and if I listen closely enough, I can feel the music's African roots. Or, I can go downtown and to Little Italy or Chinatown and have some of the best Chinese or Italian food to be found anywhere in the world.

I can get a corned beef sandwich at any of the thousands of Jewish delis in the city. I can also have a great conversation about the state of world affairs with a Russian, West Indian, or Israeli cabdriver—all immigrants to this land of promise. New York City has a Jewish mayor; the State has an Italian Governor. I personally think that's what makes the city and State so great, the fact that we are so culturally rich.

I don't want us to become smug or insular in our attitude toward the infinite variety of cultures and people who want nothing more than to come here to contribute the building of our great Nation.

We must remain in control of our borders, but I believe that in order for this Nation to continue to be dynamic and first among the world's democracies, we must not forget our humble roots. We must not fear the next generation of immigrants. We must, instead, embrace them. If we give in to our fears and pass a bill that is discriminatory or nativist. Then it's the Nation that will finally lose.

□ 1450

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I want to remind the gentleman that the recent orgy that we had over at the Statue of Liberty should emphasize that that Statue never looks south. We do not have that Statue of Liberty to greet the humble masses. It is over here, and I want to remind the gentleman that the issue has to do with that.

Mr. GARCIA. Mr. Chairman, in closing, I would like to again thank the chairman of the Judiciary Committee for getting the sunset provision into this legislation. I think this is important because there is no question in my mind that we are going to find that sanctions will prove to be discriminatory against people of color and of race.

That is why I want to thank all those concerned for putting the sunset provision in the bill because at least in 6½ years we can come back and review the amendment.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. GARCIA. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I assure the gentleman that it will not be that long before we will have oversight of those very provisions, and I invite the gentleman to join with us.

Mr. Chairman, I yield 2 minutes to my colleague, the gentleman from California [Mr. BERMAN].

Mr. FORD of Michigan. Mr. Chairman, I yield 3 minutes of the time alloted to the Committee on Education and Labor to the gentleman from California [Mr. BERMAN].

The CHAIRMAN. The gentleman is recognized for a total of 5 minutes.

Mr. BERMAN. Mr. Chairman, I thank very much both the chairman of my subcommittee and the gentleman from Michigan [Mr. FORD] for yielding me the time to go through some of my reasons for changing my position from 2 years ago and supporting the bill that is before us now.

I say that with apprehensions and concern, for some of the criticisms of this legislation before us now must be given attention by this body. The fact is that the gentleman from Texas [Mr. GONZALEZ] is correct. A mythology has developed about the harm to our country's economy because of the presence of undocumented workers. The fact is, that with respect to taxation, work and productivity, many of these undocumented workers are contributing a great deal in a great many places to the strength of our economy, not to the detriment of it.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I did not say that; the President's Economic Report says that.

Mr. BERMAN. Notwithstanding the loss of credibility in the source of the argument, I still think it has a great deal of merit.

Second, the gentleman from New York and the gentleman from California [Mr. ROYBAL] speak of the problems inherent in the employer-sanctions concept. The employer, sanctions concept is a good concept, if we want to regulate and rationalize illegal immigration. The present system has not done it. Perhaps, at least in concept, hopefully in reality, the existence of employer sanctions taking away the magnet will work to do that.

But we have to deal with two separate questions involved in employer sanctions, the effectiveness of those sanctions. We are, in some fashion, turning over the enforcement of our immigration laws to the hundreds of thousands, even millions, of employers in this country. Second, when an employer, particularly one who does not have elaborate personnel and legal departments, is faced with the potential of civil and criminal penalties, that employer, for totally nonracist reasons, may, when in doubt with respect to the legal status of an applicant, decide to protect himself by excluding that applicant.

But the bill attempts, hopefully very effectively, to deal with that in two ways: First, a meaningful and strong antidiscrimination remedy, which I suggest perhaps will be stronger and more effective than the ones that now exist under title VII for discrimination based on race, religious, and national origin; and second, by the inclusion of the sunset which forces us to look at the effectiveness of employer sanctions, and the questions of whether or not discrimination is a byproduct of employer sanctions and compels us to revisit that issue.

Those two provisions in the bill, I think, on balance, with all of the other provisions of this bill which make it such better legislation than it was 2 years ago, justify taking action that I think the American people do want.

Many feared that the legalization program was going to be an empty promise, that people would be drawn into applying for legalization and then an attorney general or an INS director who did not really want to go through that legalization process would exercise his discretion to deny legalization status.

The gentleman from Kentucky, through his own amendment in subcommittee, has dealt with that concern by taking away that discretion. If an individual meets the criteria set forth in the statute, that person would be legalized. The ability to entrap someone into revealing his or her identity in order to then be excluded because that discretion was abused and exercised arbitrarily has been vastly reduced by the amendment of the gentleman from Kentucky.

On the agricultural issue, the fact is that if this Congress is going to accede to the very extraordinary and special request of western agriculture for treatment unlike any other employer or industry in this country, at the very least, let their workers have a legal status which allows them to bargain collectively, to grieve against abuses, to exercise the ultimate leverage in the marketplace, which is to leave that marketplace and that industry if the employer is violating his promises, his contract, providing conditions which are miserable.

Finally, the legislation includes something which I think is very important. It is a slightly tangential issue, but compelling nonetheless. By its inclusion of the Moakley-DeConcini language, we are keeping faith with this country's very sacred trust that when there is doubt, we will err on the side of making sure that people who are fleeing from political persecution will not be summarily deported to what they might face.

Mr. MAZZOLI. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROYBAL].

Mr. FORD of Michigan. Mr. Chairman, I yield 1½ minutes out of the time allotted to the Committee on Education and Labor to the gentleman from California [Mr. ROYBAL].

The CHAIRMAN. The gentleman from California is recognized for 3½ minutes.

Mr. ROYBAL. Mr. Chairman, I thank the gentlemen from Michigan and California who just yielded the time to me.

It seems that this is the only opportunity we will have, at least in this debate, to tell the Members of the House just exactly where we stand with regard to what is now being passed as immigration reform.

We are in favor of immigration reform, but we know for a fact that this bill is not immigration reform. This bill is designed to provide a steady flow of cheap labor to the farmers and growers of the United States and, to boot, those farmers and growers are exempt from sanctions.

All other employers in the United States, however will be sanctioned or subject to sanctions provisions if they make some kind of a mistake and hire someone who may be here illegally. Then they can be fined and even suffer the consequences of a provision that will even send them to jail.

□ 1500

Now, if anyone can show me where I can find immigration reform in this bill I will have to reexamine the words immigration and reform.

To me immigration reform means that we must reform the present system, that we must do something about a Department that is the most discourteous Department in the Federal bureaucracy.

In this bill we find that we have a new appropriation of $400 million to reform what they consider to be a situation where we have lost control of the borders. Well, $400 million additional for the Department of Immigration is like spitting in the ocean. That will not remedy the situation, with spending the necessary amount to reform the Department. More personnel is needed so that they can again become a service department.

But we are against the bill for the reason that it does have sanctions for all employers except the farmers and grower and because among other things it provides for an amendment, the Beverly Hills amendment which will exempt an additional group, all those who have three or less employees.

We are fearfull that sanctions will definitely result in discrimination against the Hispanics and the Asians in this Nation. Those employers who would not want to get involved in any way will just not interview anyone who may appear to be Hispanic and quite obviously Asian. That will result in discrimination. Silent perhaps, but damaging just as well.

There are Members of this House who believe that we already have some protection against discrimination or that we are going to establish a group that will look into it. The truth of the matter is that we don't.

Well, we have the Civil Rights Commission but not too long ago that was defunded, because the Civil Rights Commission in the last 6 years has done absolutely nothing about discrimination.

The truth of the matter is that thousands and thousands of Hispanics in this country and Asians as well will suffer the consequences of discrimination simply because of sanctions.

Mr. MAZZOLI. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, I rise in opposition to H.R. 5665. I will focus my remarks on two principal concerns.

First, the heart of the bill remains employer sanctions, a fatally flawed concept which will put an onerous burden on every employer in America and raise the specter of discrimination against our own citizens. Yet, employer sanctions have proven ineffective wherever and whenever tried, whether in other countries or at the State and Federal level of our own.

For the most recent evidence of this failure, we can look to the 1985 GAO study on employer sanctions laws in foreign countries. As the study reports, from 1981 through September 1985, the estimated number of aliens working illegally increased in four of the surveyed countries, remained about the same in three countries, and only decreased in Hong Kong and one country.

The country most like ours, Canada, reported that its enactment of employer sanctions laws has had virtually no effect. And, despite an overall decline in the number of visitors to Canada, the number of illegal aliens working there has increased slightly since 1981.

In our own country, the Federal Farm Labor Contractor Registration Act of 1963 gives evidence that employer sanctions have been ineffective in the United States at the national level. In addition, employer sanctions have been proven ineffective at the State level in the many States with such laws on the books. The most these laws have produced was one $250 fine.

As Wayne Cornelius of the Center for United States-Mexican Studies at the University of California at San Diego said: "There is not a single documented case of successfully using employer-sanctions laws to reduce the population of illegal immigrants anywhere in the world."

My second principal concern is that the legislation does not deal with the root problem of illegal immigration. Instead of sending hundreds of millions of dollars to Central America to overturn governments, that money would surely be more wisely spent in being a better neighbor to Mexico and other sending countries.

Helping the sending countries in their development is part of the real answer to curbing illegal immigration. Working hand in hand with these countries will have more effect than this unilateral move before us today. Indeed, Mexican officials have said that a successful solution to perceived

problems of migration between our two countries necessarily involves a bilateral search for answers.

And, here at home, providing the necessary resources to our agencies to enforce our immigration laws and our laws on fair labor standards and practices would be part of the solution as well.

For the reasons I've outlined, and others, I cannot support this legislation.

Mr. LUNGREN. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DORNAN].

Mr. DORNAN of California. Mr. Chairman, we have witnessed two miracles in this 2d session of the 99th Congress. One was that we got a drug bill through this House with some teeth in it. I stood in this well and thanked both sides of the aisle, particularly the majority side, for passing this hard hitting antidrug legislation that was going to benefit my family and my five grandchildren.

Now the second miracle is that we have an immigration bill on the floor in a week when we were not even supposed to be here. We were supposed to be out by the 3d, tomorrow, and now it looks like we will be out Friday, the 17th. I won't bet on that.

We now have a chance to debate one of the most serious problems in America, although it is not of the level of the drug bill, in which we were talking about thousands of young kids and middle-aged kids and Yuppies and even some older citizens dying on drugs. This immigration problem though is ser'ous and painful.

The night before last, or rather, Monday night, I went down to the California-Mexico border. Two gentlemen from New York had already been down there, Mr. SCHUMER and Mr. SCHEUER. There have also been eight Californians down there, two Democrats, four of the five of us from Orange County, CA, both the San Diegans. The gentleman from California [Mr. LUNGREN] has been down there several times, and the gentleman from California [Mr. LUNGREN] is one of the people around here who has worked this miracle, and I honor the gentleman for it. Getting this bill before us is a miracle.

Now, down there at that border I saw American territory controlled by people who are not Americans, standing there, 1,000 of them. One of them turned around, he did not know there was a Congressman there, he probably would have laughed if he did. He just thought I was one of the border guards again. He turned around and dropped his pants and gave us the international—to use the western acronym, a B.A.

I knew you would love that, HENRY.

It kind of symbolized for me the whole situation there. They are controlling American territory.

Now, at night when I got into a helicopter with the pilot and controlled the spotlight down on these guys, you know we are all good with spotlights on cars in southern California—I was pretty good and in a few minutes I was able to track all these people running around, some of them like scared people, others just giving other international signs to the helicopter.

When you have 1,000 people against a handful of border guards, a lot of people are going to make it to my district, and they have.

My friends in this House know that I treat them with the dignity that human beings deserve, and you guys know that.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield for just a question?

Mr. DORNAN of California. Well, the gentleman from California [Mr. LUNGREN] is running a tight ship here. He is not going to give me any more time. I just want to make a point about illegal aliens—not Mexicans, our brothers to the south that we should embrace with the same love and respect that we embrace Canadians.

I want to talk about OTM's, another acronym.

The CHAIRMAN. The time of the gentleman from California has expired.

Mr. LUNGREN. Mr. Chairman, I yield another one-half minute to the gentleman from California.

Mr. DORNAN of California. Mr. Chairman, OTM means other than Mexicans.

How about Chinese? Not from Hong Kong, I do not want to get into the yellow peril. I am talking about people on the mainland. How about Yugoslavians?

How about when I walk into one of those nice clean holding pens where they are eating Ritz crackers and tomato soup and I say, "Anybody here from Guatemala?" Ten hands go up.

"How about Nicaragua?" There are about eight hands go up.

"How about El Salvador?" And another five or six hands go up.

We are being inundated, and there has got to be a humane way to close this border and not to give instant amnesty to over 580,000 Central Americans.

Let us have a good debate today.

Mr. MAZZOLI. Mr. Chairman, if the gentleman from Texas [Mr. GONZALEZ] would like a minute, I yield 1 minute to the gentleman.

Mr. GONZALEZ. Mr. Chairman, I thank the gentleman for yielding this time. Really, I will need only a half a minute. I was just curious to inquire of the gentleman from California if after he was with this rather motley assortment of Congressmen if any immigration officer stopped the gentleman for looking suspiciously alien?

Mr. DORNAN of California. Suspiciously Norwegian.

Mr. GONZALEZ. That is the only point I wanted to make.

Mr. PANETTA. Mr. Chairman, I yield myself 4½ minutes.

Mr. Chairman, I speak here on behalf of the Agriculture Committee and the agricultural portions of the immigration and reform bill that is before the House. It involves a new agricultural program that recognizes those who currently work in agriculture. It provides for a revised H-2 program and it also provides a search warrant requirement that will be the subject of an amendment later on during this debate.

Immigration reform if it is to happen has to be comprehensive. I think that has been something that everyone has acknowledged. It has to include sanctions. It has to include legalization. It has to include strong enforcement and it has to include a provision that deals with the needs of agriculture.

If we are going to have immigration reform, it has to be comprehensive. Why agriculture as part of that? Because agriculture I think has established unique and special problems that relate to that area. The perishable crop industry in this country is an industry that ranges somewhere between $35 billion to $60 billion in terms of value. It is labor intensive. That is acknowledged by all.

Today the reality is that 85 percent of many of those who work in agriculture are undocumented aliens. These workers, also acknowledged, are often abused, live in fear, or exploited and have no rights. That is a bitter reality, but it is a reality.

The farmers, those who try to raise the crops, are subject to random raids that disrupt their operations. It is a reality. It is a bitter reality, but it is true.

All of this is not pleasant. It is not good and it surely ought not to be acceptable to the farmers, to the workers and to the American people.

So for that reason we have struggled to come up with a compromise in this area. It is not easy. It is emotional. It is confrontational. All of us understand that who have worked with this issue.

Two years ago the House adopted the Panetta-Morrison amendment. The Senate adopted the Wilson amendment establishing guest worker programs.

Although it was adopted by the House, it is clear that that confrontation could jeopardize this bill, and so to avoid that confrontation several of us gathered to try to negotiate compromise in the agricultural area. For ten months we sat and negotiated, working with farm groups, with worker groups, with civil rights

groups, to try to develop a compromise that is part of this bill. The compromise developed, I think, responds to the needs that we tried to address. It protects rights by giving legal status to those who can establish that they have worked in agriculture. It meets the needs of agriculture, not only by providing rights to those who work in agriculture, but by providing for a replenishment program.

Third, it does provide for sanctions against farmers. The statement was made a few moments ago that the farm community is not subject to sanctions. That is wrong. They will be subject to sanctions involved in this bill.

So it is a compromise. It is not a perfect compromise. It has been tightened up significantly by the Lungren amendments.

We have established a cap on one portion of the bill of 350,000. We have extended the man-days from 60 to 90 days and we have put a sunset on the program itself of 7 years.

So today what is before you is an effort by a broad coalition to establish a compromise in this very important area.

□ 1515

What is before you today is supported not just by farm groups and the Farm Bureau and the various farm organizations, but it is supported by the farmworker groups, and by labor, and the AFL-CIO, and it is also supported by the civil rights groups and those groups that have fought to protect the rights of workers. So it is supported by a broad coalition that has worked on this effort. For that reason I urge support for this compromise, and I urge support for the bill.

Mr. LUNGREN. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. I thank the gentleman for yielding time to me.

Mr. Chairman, I guess that you could almost say, "Here we go again," but there is going to be, I think, a big difference this time. I think this time we are going to be successful, and we are going to be successful because a lot of deals have been made.

The document here, as many of the speakers have said, is far from perfect, but what could we possibly have that is worse than what we have in place right now? The problem that we have is growing at a proportion that was absolutely unbelievable when we started this voyage many years ago, when these bills came to the floor many years ago.

We recently passed a drug bill in this Chamber, and the pace at which the Members were bringing tough new amendments down and trying to make it tougher and tougher was described as a "frenzy." That frenzy was caused by the fact that the American people were fed up, and Congress finally got the word.

That word is coming down again, and it is coming down that the American people are fed up with illegal immigration into this country.

I hope that this works. I pray that it will work, because if it does not, I would say that this body will be back in a few years with the same type of frenzy that it had on the drug situation, and we might find ourselves in a situation of overreacting. And the problem of overreacting in that instance is that we are dealing with the lives of people of the world.

This bill does not overreact to the situation. It is very human in its treatment. There are amendments that are going to be offered to take away the legalization provisions, and I will support that amendment to take away the legalization provision. But if that amendment fails, and legalization stays part of this bill, I will say, "So what?" because those people are here, and we are not doing anything about getting rid of them anyway, so I would say that we can still support the bill.

The problems along the Texas border and the California border are absolutely incredible, and absolutely dwarf the problems that we have always thought were so great in the State of Florida.

The votes have been put together. This bill is going to pass, and I commend the gentlemen on both sides of the aisle for the tremendous work that they have done in making this bill and bringing it this far along.

Mr. LUNGREN. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, let me just say that we will have time, I hope, to discuss the last amendment that has been made in order, which is the amendment or motion to strike the EVD—extended voluntary departure—for Salvadorans and Nicaraguans.

That is extremely important. I do not think that it belongs in this bill, I think that we ought to strike it, and the President has indicated that he will veto any EVD. In that sense I would suggest letting it remain in the bill as a killer amendment.

After we spend all our time dealing with this bill, when we come to that last question, let us hope that those of us in this House act to save the bill, and not to kill it.

The CHAIRMAN. The gentleman from Washington [Mr. MORRISON] is recognized for 7½ minutes.

Mr. MORRISON of Washington. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, Yogi Berra supposedly once said, "This seem like deja vu all over again." It certainly is true in the case of this immigration bill, except this time I am proud to have been part of the team that we believe has put together a package that will give us some clearance over the hurdles that have stopped us before during the past several years in dealing with this most significant issue.

On behalf of the Committee on Agriculture on the minority side of the aisle, I can report that we have worked with this bill, that we are pleased to recommend to the full House the agricultural provisions, and let me mention them in passing.

First of all, the agricultural workers program—Mr. PANETTA has mentioned this most eloquently. Our concern, of course, is for the production of the perishable commodities that are so important in many of our States across the United States, and making sure that there is an adequate number of people to work, since we have absolutely no idea how many illegal workers have infiltrated the supply of workers who follow the migrant path to harvest these various commodities.

In order to make sure that there is an adequate number of these workers available, the compromise which we have in front of us in this bill uses the measurement of those who have worked in the past few years. That, after all, has to be the most accurate indication of what it takes to do the job. A 90-day commitment per year in these last several years in the measurement, and we think that that can be worked quite effectively.

Also, the agricultural provisions have a relatively short life, for those Members that are concerned about them, and the gentleman from California [Mr. LUNGREN] and others on the floor of the House when we defeated the rule just a few days ago made the point that this was a rolling amnesty provision for agriculture. That is no longer true. While there is a potential of some replenishment, I think that we will have a good opportunity in this Congress in these Halls to measure the actual number of people who are involved, how many workers are here, how many are needed, where are they, and get back with the opportunity to rework this before it actually sunsets.

I think that the reliance on that Commission can be an important point, because, very frankly, we are working without adequate numbers: 31 States, as I recall, do not allow employers to ask the nationality of workers when they come to their doors, and we are just guessing as far as the numbers are concerned. So let us rely on a Commission which is given 5 years to prepare an accurate report as to the numbers that we actually need and what program can be most effective for protecting agriculture.

I also would just like to comment that it has been a delight to work again with the gentleman from California [Mr. PANETTA], and this time, though, with an interesting combina-

tion of folks—some of whom admit that their closest ties to agriculture are when they put their cash out at the counter at the local grocery store. But together we have come up with a combination that I believe works for farmworkers—that is essential—and it also works for farm owners and operators, an unusual combination, and we are pleased to bring it to you today.

Also in the agricultural arena are the provisions related to H-2, a longstanding guestworker program reflected in this measure, the compromise worked out again with a number of people working together, and I am confident that we can work that on through conference and we can be proud of modifications that have been made, but modifications reflecting balance, again imparting the fact a number of people have been concerned about this.

From the Committee on Agriculture will come an amendment related to the requirement for warrants for field searches. We feel that it is absolutely essential that we have fair and equal treatment all the way across America's lands. This would ensure equal protection for unreasonable and warrantless searches for farmworkers and farmowners. The committee does present this amendment to you.

Farmers ask why their factories have no walls or perhaps only fences and they are treated differently from someone whose factories are enclosed in some other way. There are no constitutional protections for either workers or farmers on these lands.

Interestingly enough, the statistics show that only 15 percent of illegal workers employed in the United States work in agriculture, and yet 72 percent of the apprehensions of illegal workers are from the agricultural sector. So obviously the lack of the requirement in current law for a search warrant shifts the emphasis to those areas, and there is more enforcement, more apprehension from those areas, and I think that this should be straightened out, and that amendment will be forthcoming from the Agriculture Committee.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Vermont [Mr. JEFFORDS] is recognized for 7½ minutes.

Mr. JEFFORDS. Mr. Chairman, I yield 2 minutes to my good friend, the gentleman from Pennsylvania [Mr. GOODLING].

Mr. GOODLING. Mr. Chairman, the legislation we are considering today may have a profound affect on many of the economic, social, and service delivery institutions in this Nation. This fact is acknowledged in that section of the legislation which deals with State legalization assistance.

The State legalization assistance section authorizes Federal funds for the purpose of assisting States and localities in the provision of public assistance and education services to legalized aliens. However, as originally reported by the Committee on the Judiciary, H.R. 3810 did not provide any direction as to how these funds should be administered nor provide a cap on how much of the educational costs the Federal Government was responsible for.

When H.R. 3810 was referred to the Committee on Education and Labor, I offered an amendment which provided a structure within which educational assistance could be provided to States and local agencies. First, my amendment placed a $500 cap on the Federal contribution for each child or adult eligible to receive educational services under the immigration bill. This is accomplished by applying the provisions of the Emergency Immigrant Education Act to the funds appropriated under H.R. 3810. In addition, the Emergency Immigrant Education Program would provide an already existing administrative structure through which the funds could flow.

My amendment has been included in the text of the bill which we are considering today, and I feel makes this legislation more educationally and fiscally responsible.

There are no good, hard figures on how many children and adults will come forward for educational services as a result of the legalization provisions in H.R. 3810. Certainly in some areas of the country it is likely to be significant. My amendment, which received unanimous support from the Education and Labor Committee, provides a reasonable level of Federal assistance for these services while avoiding the need for a new administrative structure to operate the program.

□ 1525

The CHAIRMAN. The gentleman from Michigan [Mr. FORD] has 1 minute remaining.

Mr. FORD of Michigan. Mr. Chairman, I yield my 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. PANETTA. Mr. Chairman, I yield my 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. MAZZOLI. Mr. Chairman, I yield my 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. CHAIRMAN. The gentleman from New Mexico [Mr. RICHARDSON] is recognized for 3 minutes.

Mr. RICHARDSON. Mr. Chairman, I thank my three colleagues for yielding me this time.

Mr. Chairman, an essential component of the immigration reform legislation is a positive economic relationship with Mexico, both nations working together to stem the flow of undocumented workers as well as to help our depressed border economies.

In the past, immigration reform bills have not contained any provisions to deal with this issue. For the first time, in my judgment, this immigration reform bill does contain positive economic partnership provisions with Mexico.

Mr. Chairman, the bill contains an amendment that I have offered that authorizes the President of the United States to negotiate with Mexico a free trade zone. The President is not obligated to do so by this amendment, but he simply has that option.

We have such an agreement with Israel, and are presently negotiating one with Canada.

Under this provision, products, not people, move duty free through this free trade zone, coproduction zone. The joint enterprises are formed and with the help of Members like the gentleman from Texas [Mr. GONZALEZ] it includes in this provision that I have authored the potential for creating a joint economic development bank with Mexico to jointly finance projects.

This is a very important and positive step. It has been endorsed by the U.S. Chamber of Commerce, the first time that the U.S. Chamber of Commerce has endorsed anything that I have ever done, so it is a landmark for me.

In addition to that, it has been positively received by the Mexican Government. They feel strongly that they do need economic development along the border worked on jointly. But let's face it, in the past they have shield away from it. Why should they help us get off the hook with a safety valve problem that they have?

But I believe for the first time they are ready to negotiate, although they have not said this publicly; it has mostly been privately.

So I believe that this bill contains the potential for economic development in the border regions, the depressed border economies. It is up to the President and the State Department and the Commerce Department working with our labor unions, working with many border economies and mayors in border States to come up with a plan that possibly will help the border economies.

For this reason, Mr. Chairman, I think this economic tie with Mexico that we have neglected so many times, the bilateral relationship with Mexico, that the Mexicans will respond positively, that they will say to us that they appreciate this economic initiative that the House of Representatives has put forth.

So I applaud the members of the Committee on Rules for having accepted this amendment which simply says the President is authorized to negotiate a free trade zone with Mexico. He does not have to do it. I think it is up to the executive branch to develop

a positive formula that will bring jobs to the border.

CHAMBER OF COMMERCE
OF THE UNITED STATES OF AMERICA,
Washington, DC, October 7, 1986.

Members of the House of Representatives:

You soon will be considering H.R. 3810, the "Immigration Control and Legalization Amendments Act of 1985." The U.S. Chamber of Commerce supports immigration reform and urges you to consider this bill immediately so that legislation can be enacted before adjournment.

Although the Chamber urges you to consider H.R. 3810, this bill is seriously flawed. The Chamber prefers the approach to immigration reform taken in S. 1200, the bill adopted by the Senate last September.

First, H.R. 3810 creates unnecessarily a new private right-of-action for discrimination based on "alienage" and establishes a new civil rights bureaucracy separate from the existing agencies charged with enforcement of civil rights laws. Ostensibly, this approach is intended to prevent the possibility of increased discrimination resulting from the proposed employer sanctions. Unfortunately, this new requirement subjects employers to duplicative and potentially conflicting enforcement actions, provides aliens with greater legal and procedural rights than those afforded citizens under current law and prohibits an employer from giving a preference to a U.S. citizen over a noncitizen.

The Chamber favors the Senate resolution of this alleged problem. S. 1200 contains a provision, offered by Senator Kennedy, to "sunset" employer sanctions if there is evidence of widespread discrimination following enactment. Such an approach would be far preferable to the business community than the extravagant new rights and bureaucracy contained in H.R. 3810.

Second, H.R. 3810 requires all employers to comply with overly burdensome recordkeeping and verification requirements, whereby fines of up to $1000 per paperwork violation may be imposed, even if an employer does not hire an illegal alien. The Small Business Administrations' Office of Advocacy has estimated conservatively that the cost of compliance with these requirements would be more than $650 million per year. In contrast, S. 1200 penalizes an employer for hiring illegal aliens—not for mere paperwork violations—and grants employers an affirmative defense if they choose voluntarily to keep the paperwork on each employee.

The Chamber urges you to resolve these two issues and pass this important legislation.

Immigration reform is not just a domestic issue; it must be viewed in a broader context. For this reason, the Chamber supports the amendment to be offered by Representative Richardson. This amendment would authorize the President to negotiate with the government of Mexico, on a reciprocal and mutually beneficial basis, the establishment of a free trade and coproduction zone that would include our respective borderlands. Such a zone should serve as a first step toward achieving a free trade area between the U.S. and Mexico over the long run. Trade liberalization, as envisioned under the Richardson amendment, also should serve to increase economic growth and development in the borderland and, thereby, help to alleviate the social tensions associated with ongoing immigration problems.

Thank you for your consideration of the Chamber's views.

Sincerely,

ALBERT D. BOURLAND,
Vice President, Congressional Relations.

[From the CONGRESSIONAL RECORD, Aug. 1, 1985]

Mr. RICHARDSON. Mr. Speaker, today I am introducing a new positive approach to immigration, one that combines economic opportunity and jobs.

The issue of immigration has been considered as a domestic matter for too long. Last year's debate over the Simpson-Mazzoli immigration bill focused on the need for the United States to regain control of its borders by instituting employer sanctions or by increasing border enforcement.

What is evident to me is that immigration is a multilateral issue between the United States and other recipient nations and all nations whose lesser developed economies and/or internal political turmoil contribute to the flow of emigrants.

This view was confirmed by what members of the congressional Hispanic caucus saw and heard on their trip to Latin America last December. During out stop in Mexico, we found a willingness among Mexican officials to discuss important bilateral issues—including the problem of undocumented migration. The bill I am introducing today is in part a response to those talks.

The United States-Mexico Border Revitalization Act of 1985 would create a free trade land coproduction zone along the United States-Mexican border; establish a United States-Mexican Bilateral Commission; initiate a joint United States-Mexico Development Bank; and develop a Multilateral Commission on Immigration. I am pleased to announce that as of today four members of the congressional Hispanic caucus are original cosponsors of the bill Congressman HENRY B. GONZALEZ of Texas, Congressman ROBERT GARCIA of New York, Congressman ALBERT BUSTAMANTE, and Congressman SOLOMON ORTIZ of Texas.

I want to make this opportunity to outline the four major initiatives in the bill:

FREE TRADE ZONE

The recent peso devaluation in Mexico has created an economic crisis in the border region between our two countries. Most of the border region is economically depressed—it has one of the highest rates of unemployment; the lowest levels of income; health care services; educational attainment; and industrial development in the United States. Under my bill, the President is directed to enter into negotiations of the Government of Mexico a United States-Mexican free trade and coproduction zone within approximately 200 miles of each border.

The zone would provide for the duty-free treatment of products grown, produced or manufactured within the zone. United States and Mexican businesses located in the zone would be eligible to tax incentives, similar to those offered in enterprise zone legislation now pending before the Congress. Businesses that are at least 35 percent Mexican-owned or 35 percent United States-owned will be considered eligible ventures under this act.

UNITED STATES-MEXICAN BILATERAL COMMISSION

Under the act, the President would be directed to appoint a bilateral commission, composed of 15 members of the public and private sectors in the United States and an equal number of representatives from Mexico. It will meet quarterly with the goal of strengthening the political and economic ties between our two countries. Areas of discussion are, but not limited to: Immigration; the free trade and coproduction zone; tariff and trade issues; transportation; energy and pollution.

UNITED STATES-MEXICO JOINT DEVELOPMENT BANK

My bill will provide for the establishment of a United States-Mexico Joint Development Bank with the authority to make economic development loans in Mexico and in the border regions of the United States. Assistance provided by the bank would be directed at improving employment opportunities. The Government of the United States and Mexico would contribute equally to the capital of the bank with provisions for an initial U.S. contribution of $4 billion.

MULTILATERAL COMMISSION ON IMMIGRATION

Immigration is a multilateral issue. My bill recognizes that fact and creates a forum in the establishment of a commission where the United States and prime sending countries can discuss such immigration issues as: The economic, political, and social factors that encourage legal and illegal immigration, the problem of border enforcement; the protection of rights of legal immigrants; and refugee relocation and refugee rights. The purpose of the commission will be to work out international agreements on immigration issues.

CONCLUSION

All of the problems of illegal immigration will not be solved with the initiatives proposed in my bill. But, it is time we in the Congress recognize that economic strife, the opportunity for a better life and freedom from religious or political persecution are the underlying reasons for the flow of illegal immigrants into the United States. My bill sets forth some new ideas for discussion in the immigration debate.

SUMMARY OF UNITED STATES-MEXICO BORDER REVITALIZATION ACT

Title I—United States-Mexico Free Trade and Co-Production Zone:

Directs the President to enter into negotiations with the Government of Mexico for the purposes of developing and entering into a U.S.-Mexico Free Trade and Co-Production Zone Sector within 200 miles of each border;

Provides for duty-free treatment of products grown, produced or manufactured within a Zone Sector by a U.S.-Mexican business located in that Zone Sector and exported to a foreign country or introduced into the domestic commerce of the country in which the production or manufacture occurs:

Provides U.S. tax incentives to U.S. companies including: elimination of capital gains taxes on investment within the sector; an increase in investment tax credit for both personal and real property used in operation of eligible venture; income tax credits for employees; and continued availability of tax-exempt bond financing within the Sector beyond 1986 sunset;

Directs the President to submit the agreement to Congress and a bill implementing said agreement;

Directs the President to submit an annual report to Congress detailing the progress made during each period covered by the report in carrying out negotiations. If a bill implementing the Zone is enacted into law, directs the President to submit an annual

report to the Congress detailing the operation and effect of the Zone during the period covered by the report;

Directs the President to evaluate the feasibility of establishing duty-free trade between the U.S. and Mexico on a national basis and shall submit to Congress a report and legislative recommendations on that evaluation.

Title II—United States Mexico Bilateral Commission:

Establishes a fifteen-member commission (there are representatives each from the Senate, House and Executive Branch, academia and the private sector) that will meet quarterly with the goal of strengthening the political and economic ties between the U.S. and Mexico;

Areas of discussion include, but not limited to, immigration; Free Trade Zone; border region; tariff and trade; fishing rights; transportation; energy and pollution;

Directs the commission to submit an annual report to Congress.

Title III—United States-Mexico Joint Development Bank Act:

Authorizes the President to enter into an agreement with Mexico to establish a United States-Mexico Joint Development Bank to make economic development loans in Mexico and in the border region of the United States;

Requires that assistance provided by the bank shall be directed at improving employment opportunities and enhancing the economic development of the geographic and economic sectors of Mexico which are the major sources of undocumented Mexican nationals who enter the United States and the U.S. and Mexico contribute equally to the Bank;

Directs the President to appoint the U.S. Directors of the bank. Authorizes the Secretary of the Treasury to subscribe to the capital stock of the bank. Authorizes appropriations to pay for such subscription.

Title IV—Multilateral Commission on Immigration:

Establishes a commission (U.S. representatives appointed by the President) that will have equal representation from the U.S. and the prime sending nations. The Commission shall work toward international agreements addressing immigration issues;

Areas of discussion will include, but are not limited to; economic, political and social factors that encourage illegal immigration; border enforcement; protection of the rights of legal immigrants; refugee relocation; and refugee rights;

Directs the Commission to submit an annual progress report to Congress.

Crisis on the United States—Mexico Border: A Plan for Action

(By Abelardo L. Valdez)

Mexico's ongoing economic crisis and its impact on the United States confirm that bold initiatives are vital to the economic future of both nations. Instead of the limited vision exemplified by the Simpson immigration bill and protectionist measures against Mexican imports, the United States should be finding ways to look beyond current problems to developing future economic opportunities through a spirit of partnership with Mexico.

The current crisis, while affecting adversely the economies of both nations in general, has had an especially devastating effect on the region bordering the United States and Mexico. The borderlands contain some of the hardest-hit sectors of both the U.S. and Mexican economies. It is an area of very high unemployment and exceedingly low-income levels which badly needs the infusion of investment and industrial development.

Four years ago, I recommended through the U.S. Trade Advisory Committee, which was preparing President Reagan's Report to Congress on North American Trade Agreements, that the United States and Mexico establish a Free-Trade and Co-Production Zone along the 2,000-mile border they share. Now, Representative William Richardson (D-NM), Chairman of the Congressional Hispanic Caucus, and several members of Congress have taken the initiative to incorporate my proposed plan in a legislative package which was introduced this week in the House of Representatives as the "U.S.-Mexico Border Revitalization Act." The proposed Zone would serve as the foundation of a new partnership that could combine the best human, financial, technological, and marketing resources of both countries. It would increase investment opportunities, generate millions of new jobs, and increase exports for both countries through co-production by U.S.-Mexico joint ventures located within the Zone. Co-production would enable both countries to combine their comparative advantages in manufacturing and thereby increase the competitiveness of their exports in the international marketplace.

The unique commonalities in language, culture, geography, and entrepreneurial spirit shared by Mexico and the United States at the borderlands make this area the most advantageous location for this initial phase of this free-trade and co-production initiative. The proposed Zone would include the entirety of the borderlands extending 200 miles into each country's territory, and running parallel to the border from the Gulf of Mexico to the Pacific Ocean.

The favorable tariff and tax incentives provided by the proposed legislation would be made available only to eligible joint ventures located and operating within the Zone, and producing for export to third countries and to the United States and Mexico. The proposal also requires that such joint ventures must have a minimum U.S. and Mexican equity participation on both sides of the Zone. The bill provides that, after a trial period of ten years, the President may enter further negotiations with the Mexican Government for the purpose of expanding the Zone concept throughout the United States and Mexico on a mutually advantageous and reciprocal basis.

A fundamental purpose for establishing the proposed Zone along the U.S.-Mexico border is to support and accelerate, through reciprocal trade and tax incentives, the economic growth of a geographical area that is plagued, on both sides of the border, with chronic unemployment, underemployment, and a dearth of industrial development. The reduction of tariff barriers and concurrent increase in tax and financial incentives would encourage economic development and employment generation in the area.

The increase in employment on both sides of the border would, in turn, help to alleviate the undocumented immigration problem. The problem can be resolved only through mutual cooperation between the United States and Mexico to create new jobs and thereby address the root cause of immigration. This plan would achieve that goal, as well as create a true economic partnership between the two nations.

The feasibility and potential benefits of the proposed Zone are evidenced by the success of a more limited cooperative effort initiated in 1968. The Border-Industries, or "twin-plant," Program permits U.S. firms to locate along the border and to export unfinished products to the Mexican side, duty-free, for assembly and finishing work. Upon their return to the United States for marketing, these products are charged duty only on the value-added portion resulting from the work done in Mexico. The proposed Zone would build on the success of this program and vastly expand the opportunities for co-production and for a full economic partnership between the United States and Mexico.

Unlike past North American "common-market" proposals, which have been perceived in Mexico as being "one-way streets" with all of the benefits accruing to the United States, this proposal is designed to emphasize the potential mutual benefits that could accrue to both countries. Congress and the Administration should move promptly to consider and approve Representative Richardson's bill. The current economic crisis in Mexico and the U.S. stake in Mexico's future call for immediate action.

(Abelardo L. Valdez served as Ambassador and Chief of Protocol for The White House and Assistant Administrator of the U.S. Agency for International Development in the Carter Administration. He practices law in Washington, D.C.)

Statement of Representative Henry B. Gonzalez, Press Conference, August 1, 1985

I enthusiastically support Bill Richardson's proposal to deal with the causes of the illegal immigration problem.

The flow of immigration—legal or illegal—is a sure index of desperation. Just as the Irish potato famine set off a wave of immigration, just as the Viet Nam debacle threw the boat people to the sea, we have today a wave of immigrants fleeing from misery and desperation. The people we know as illegal immigrants do not want to become lawbreakers, but neither will they let mere laws stand between them and what may be their only chance to survive or attain some semblance of human dignity.

Immigration reform is needed, but that will not stop illegal entry or even discourage it very much. The only way to solve the problem is to start alleviating the misery that creates it. Only when people see hope at home, can they affort to stop looking for a chance somewhere else, like the United States. Addressing the human desperation behind illegal immigration is precisely what we are proposing to do.

I have long believed that a bilateral United States-Mexico development Bank would go far to create new opportunities in Mexico and thus reduce the overwhelming economic desperation that causes so many Mexicans to flee northward. My bill H.R. 593 would create such a bank, and it has attracted 15 cosponsors. I am honored that Bill Richardson agrees with this idea. It is a practical, realistic, effective way to address the cause of illegal immigration.

I also believe that a free trade zone would create enormous new opportunities on both sides of the U.S.-Mexico border. Such a zone can work, especially in light of recent moves by the Mexican government to encourage freer trade.

Both the development bank and trade zone offer badly needed opportunities on

the United States side of the border. With unemployment in the Texas border region running at better than 20 percent, and similar problems all across the border, a joint program is the ony way to make progress on either side of the border.

We must face the fact that the flow of illegal immigration from Mexico each year is roughly equivalent to the number of new entrants into the Mexican labor force who cannot find work. Each year, the Mexican labor force expands by about a half million workers more than the economy can absorb. This is the basic cause of illegal immigration. Our immigration lawbooks won't change that; what will change it is a program of economic development, and that is what we are proposing today.

Illegal immigrants have no choice: they can come here and have a chance, or they can stay home and starve. Our proposal will provide a chance and a choice. Unless a program like ours is adopted, there is no way to stem the tide of illegal immigration. It will rise, as long as misery and desperation rise; it will fall only when misery and desperation are alleviated.

Mr. MAZZOLI. Mr. Chairman, I yield 2 minutes to the gentleman from New York, [Mr. SCHUMER].

Mr. PANETTA. Mr. Chairman, I yield my remaining 2 minutes to the gentleman from New York, [Mr. SCHUMER].

The CHAIRMAN. The gentleman from New York [Mr. SCHUMER] is recognized for 4 minutes.

Mr. SCHUMER. Mr. Chairman, I thank the good chairman of the subcommittee and the gentleman from California [Mr. PANETTA] for their gracious allocation of time.

Mr. Chairman, 2 years ago I sat on the floor and listened to the same debate on immigration reform. At that point, immigration reform to me was a hazy and fuzzy concept, as I imagine it is to so many people today. There are all sorts of words like EZD and green card and two-tiered legislation that I had not cracked through, and the whole debate seemed rather strange, particularly given the fact that in my district this was not one of the most burning issues facing my constituents.

But as I sat and listened to the debate, I saw and became convinced, was unsure parenthetically, about how I would vote on the bill as I sat and listened to that debate, and that is the reason I did it, but I became convinced that what the Senator from Wyoming and the gentleman from Kentucky had put together in Simpson-Mazzoli was vital to America's interests, because we have lost control of our borders.

We had had at that point maybe a million people a year coming across and with no system for dealing with them, ways of absorbing them and integrating them into American life. And I also saw that there were millions of those people who came here and lived unprotected, in limbo, exploited, and unable to advance and climb up the ladder as part of the American dream as millions of others before them had done through legal immigration.

As I studied the issue further and listened to my good colleagues debate. I became convinced that indeed immigration reform was a test of governance, in a way it is a metaphor for governance, if you will, that this Congress, this good Congress whose members I respect, the institution I love, could really rise and overcome all of the various special interest groups of all types, many of whom I agreed with—I support a lot of special interest groups—who were picking at the bill for one reason or another. And the bill failed in conference. I played something of a role there, but it struck me as strange that it should fail over the issue of agriculture. After all, agriculture only accounted for 8 to 15 percent of our immigration into America. And no matter what one felt about the agricultural issue, if one basically believed in the humane and dual concept of Simpson-Mazzoli, one would not let agriculture bring the bill down.

So 2 years ago I, along with my courageous, and I cannot underscore how courageous they have been, my courageous colleagues, the gentlemen from California [Mr. PANETTA and Mr. BERMAN] embarked on an idea that we could bring labor and agriculture together. I must tell my colleagues, frankly, that if someone came to me 2 years ago and said, or came to the three of us and said, you fellows are going to fashion a compromise that both growers and labor, farm labor, will enthusiastically support, I would have said go away, you are crazy. And if that same person would have said to me, after you fashion the compromise, you will create as many problems for the bill as you have solved, I would say you are equally crazy.

But immigration is strange, and that is indeed what has happened. We arrive here today with that compromise as modified by the Lungren proposals on the floor before us. I would say to my colleagues that they should look at it carefuly.

What is it not? It is not millions of people cascading across the borders. The best independent analysis we have, the Congresional Budget Office, estimated that even before it was tightened up, that it would mean maybe 250,000 people across the borders.

□ 1535

It is not welfare benefits for those folks immediately. In fact, it is in the bill right now that they cannot get AFDC benefits even though I might believe they should.

It is not, as was said before, immediately—the gentleman from Nebraska [Mr. DAUB] stated immediately—wives, husbands, children would come across. Not the case.

Yes, there is a preference, but there is a long waiting list on the preference lists; a Mexican as part of this program would have to wait 8 years before his spouse or her spouse or his or her children would be allowed into this country.

What is it? It is a humane way to deal with the problem of farm labor, recognizing first that the growers need agricultural labor. They have had it all along; whether it be legal or illegal to take it away from them now would do untold damage, not just to the Central Valley in California, but to the balance of trade of America and to my constituents who depend on them for food.

So it gives the growers their supply of labor, but what it also does is, it says: "Laborer, if that grower decides not to give you a toilet, not to give you running water, to pay you 90 cents an hour, you are no longer stuck. You no longer have to continue working on that farm or in that country or in agriculture."

The CHAIRMAN. The time of the gentleman has expired.

Mr. MAZZOLI. Mr. Chairman, I would yield 1 additional minute to the gentleman from New York.

Mr. MORRISON of Washington. Mr. Chairman, I yield 2 minutes of my time to the gentleman from New York.

The CHAIRMAN. The gentleman is now recognized for 3 additional minutes.

Mr. SCHUMER. I thank the gentleman for their gracious offer of time.

Mr. Chairman, it would say that "You can, in a sense, vote with your feet. You can go look for a job somewhere else or return without fear of being turned in, without fear of being exploited." Only history will tell if this bill becomes law, whether that program will work. I do not know and you do not know, but it is certainly worth a shot, a fair and decent shot.

What I would say to my colleagues who it seems to them, agriculture; it is far away and it is a politically burdensome issue in this bill, again, agriculture is 8 to 15 percent of immigration reform. Whatever your feelings, it is not worth bringing down a bill over that.

We have 1.8 million people coming across the borders, as the good gentleman from California has outlined. We have millions more people living in limbo, unprotected, in our cities, in our towns, in the country; and if we do not do immigration reform, we are not going to solve either of those problems, both of which dwarf any problems that some might feel would be created by this proposal.

Thus, Mr. Chairman, it seems to me that we are back where we were almost 2 years ago. Are we going to let the problems of agriculture, which again are smaller than the problems of

immigration reform, sink this bill? I would hope not.

We have made a sincere effort, my colleagues, it may not be the best effort, but it is clearly worth a shot; and certainly this House agrees we need immigration reform.

I want to conclude by thanking all of my colleagues who have put up with me, who have put up with the vicissitudes of the bill, who have put up with the difficulties that a tough bill in the legislative process creates for us.

We in a sense are the shock absorbers of American politics. The car gets beaten up on all sides, but to make it ride smooth, we go up and down. We take the hits; but I am proud we take those hits, and we do it well and we do it with style and we do it with courage and we do it with concern; and whatever happens on this bill, I want to say once again that I think the saga of immigration reform in this House is one that this House can be proud of.

Mr. JEFFORDS. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, immigration reform is long overdue. Even though my own State is relatively unaffected by immigration compared to the States on the southern border, Vermonters know that we must act to control our borders. The drugs that have long been brought across our southern border are now entering from the north. The strain on national resources affects every one of us. And as we all know, the only way we are realistically going to be able to reduce the flow of illegal immigrants is by making it illegal to hire undocumented workers.

This bill is not perfect, and the procedure by which it comes before us is unfortunate. I have serious reservations about many provisions of this bill. But on balance, I have to put aside my personal preferences to move this bill to conference with the Senate and on to the President's desk.

The core of this bill, of course, is employer sanctions for the hiring of undocumented workers and the legalization program for illegal aliens who have established some roots in this country. I do not like legalization. I have constituents with relatives who are trying to enter this country legally who are still waiting. But I think it is a necessary component to this bill.

I am pleased that this bill addressed the continuing problem of Salvadoran and Nicaraguan refugees who are coming to this country in order to escape persecution. Our laws provide extended voluntary departure [EVD] status for just such situations. This status currently applies to Afghans, Poles, Ugandans, and Ethiopians. However, the Attorney General has refused to extend EVD status to Central Americans, forcing them to return to their countries. Contrary to INS assertions, the majority of these refugees are not coming here for economic reasons; they are coming here out of fear for their lives, and they hope to return to their homes as soon as political conditions permit. EVD is the appropriate status for such refugees, as it would allow them to remain in this country temporarily, but would not grant them permanent asylum. In addition, EVD would reduce the number of people forced to enter the country illegally.

H.R. 3810 prohibits two forms of employment discrimination: Discrimination on the basis of citizenship status and discrimination on the basis of national origin. Discrimination on the basis of national origin by employers of 15 or more is already proscribed by title VII of the Civil Rights Act of 1964; enforcement of this law is entrusted to the Equal Employment Opportunity Commission. No Federal law now prohibits employment discrimination on the basis of citizenship status. Under EEOC guidelines, however, citizenship requirements for job applicants are deemed violative of title VII when they have the purpose or effect of discriminating against persons on the basis of national origin.

This bill increases the scope of the protection of victims of national origin discrimination to workers in businesses with 4 to 14 employees. Enforcement of national origin discrimination claims by victims of these small employers would be entrusted to a new Special Counsel's Office in the Department of Justice. All citizenship discrimination claims would also be enforced by the Special Counsel.

It is difficult to see any practical distinction between citizenship discrimination and national origin discrimination. The facts needed to prove discrimination on the basis of citizenship would stem from the same source as those relied upon with respect to national origin discrimination claims. It is difficult, therefore, to understand why a new bureaucracy is needed to enforce these new provisions. Nor does it make any sense to have the enforcement of national origin discrimination claims split between two agencies, depending on the size of the employer. With the EEOC, we already have an agency with the expertise and personnel for enforcement of such claims. Citizenship discrimination claims are so similar to national origin claims that they, too, should be enforced by the EEOC. The new Office of Special Counsel is unnecessarily duplicative and expensive.

Another provision in the bill before us is one which creates a class of agricultural workers known as special agricultural workers [SAW's] and Replenishment Agricultural Workers [RAWS].

Much has been said by my colleagues on this provision, and I don't want to belabor the point, but we need to understand exactly what this provision contains.

As I understand this provision, and I have not had an opportunity to study the bill language, there is a two-tiered system for special agricultural workers with a 2-year application period. One tier of workers must have worked 90 man-days for the last 3 years in agriculture, with adjustment to permanent residence status 1 year after adjudication of their temporary status. The second tier of workers must have worked in agriculture for 90 man-days between May 1985 and May 1986, with adjustment to permanent resident status 2 years after adjudication of their temporary status. The significant difference among these two tiers is not the length of time they have worked in agriculture, but the fact that tier one is capped at 350,000 workers and the second tier has no cap.

Then there is provision for replenishment workers who are granted temporary status for 3 years with the same 90 man-day agricultural employment test.

I testified before the Rules Committee, asking that I be allowed to offer an amendment to the Schumer proposal which would have capped the number of workers at 350,000. The Rules Committee did not, however, make my amendment in order. I had hoped that during the negotiations with the Senate and Judiciary Committee members that a cap would be placed on the number of workers allowed in as special agricultural workers. To place a cap on only one half of the group does only one half of the job.

Mr. Chairman, this is a bad provision. I believe that we should have an opportunity to have a separate vote on it; however, I am also sensitive to the fact that the clock is running down and this country needs its immigration laws reformed.

I would urge my colleagues to set aside their political prejudices and support the efforts of the Judiciary Committee members who have worked so long and hard to bring us a compromise bill.

Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman has consumed 5 minutes.

The gentleman from Washington [Mr. MORRISON] has 30 seconds remaining.

Mr. MORRISON of Washington. Mr. Chairman, I yield back my 30 seconds.

Mr. GONZALEZ. Mr. Chairman, can the Chair tell us how much time remains totally on general debate?

The CHAIRMAN. The gentleman from Kentucky [Mr. MAZZOLI] has 4 minutes remaining, the gentleman from Vermont [Mr. JEFFORDS] has 30

seconds remaining, the gentleman from California [Mr. WAXMAN] has 7½ minutes, the gentleman from California [Mr. DANNEMEYER] has 7½ minutes, the gentleman from Illinois [Mr. ROSTENKOWSKI] has 7½ minutes, the gentleman from Tennessee [Mr. DUNCAN] has 7½ minutes, and that is the balance of the time.

The Chair would like to state to the gentleman from Texas, a total of 34 minutes remain.

Mr. GONZALEZ. I thank the distinguished Chair.

The CHAIRMAN. The Chair now recognizes the gentleman from Illinois [Mr. ROSTENKOWSKI] for 7½ minutes.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield myself such time as I may consume.

□ 1545

Mr. Chairman, with one exception, the bill before the House reflects those amendments made by the Committee on Ways and Means to the bill H.R. 3810.

The committee was very careful to act only on those portions of the bill within its jurisdiction. After careful review, the committee adopted the following amendments:

The committee struck the provision in the bill that requires the Attorney General to establish a system to verify the social security numbers of all applicants for employment in the United States. The committee amendment instead requires the Social Security Administration, in conjunction with the Attorney General and the Department of Labor, to conduct a study of the feasibility, costs, and privacy implications of establishing a social security number validation system to help carry out the purposes of the Immigration and Nationality Act.

The committee strongly feels that this issue should be carefully studied before any system is put in place. The original provision would cost $130 million per year, and there is no evidence that the system would serve any useful purpose. After the Social Security Administration makes its report to the Congress on the feasibility and costs of a verification system, we will be in a much better position to judge the merits of the issue.

The committee made clarifying and technical changes to the provision in the bill that disqualifies certain newly legalized aliens from public assistance programs. For the purposes of Ways and Means programs, the changes make clear that the disqualification applies only to Aid to Families with Dependent Children [AFDC] and not to other public assistance programs within the Committee's jurisdiction.

The committee amended the SAVE provision to allow the respective Secretaries with administrative responsibilities over Public Assistance Programs to waive the verification requirement if the Secretary finds that such a program would not be cost effective or that an alternative system is in place which is as timely and effective. In addition, the Supplemental Security Income Program [SSI] would not be subject to the SAVE requirement. The committee's SAVE amendment is almost identical to the one adopted by the other committees to which the bill was referred.

Finally, the committee amended that provision of the bill that would have made permanent the current temporary exclusion from Federal Unemployment Tax [FUTA] of wages paid to certain foreign agricultural workers. Under the committee's amendment, the exclusion, which is due to expire on December 31, 1987, would be extended for 5 years. Such an extension will allow the committee to review the impact of the exclusion on the domestic work force under the expanded H-2 Program.

All of the committee amendments, with one exception, are now part of the original text of the bill. In addition, the text of the bill now accomplishes what the Daub amendment would have accomplished had it been adopted by the Committee on Ways and Means. That is, the special agricultural workers are disqualified from AFDC for 5 years.

The one change to what the comittee adopted concerns the exclusion from Federal unemployment tax of wages paid to H-2 workers. The Committee on Ways and Means extended the exclusion for 5 years. Because H.R. 5665 will be made an amendment in the nature of a substitute to S. 1200, I requested that the unemployment tax provision be stricken from the bill. Instead, I will call up a House bill immediately after the consideration of H.R. 5665, which will extend the exclusion for 5 years. This procedure is mandated by the constitutional requirement that revenue measures originate in the House. I appreciate the cooperation of both the Rules Committee and the Judiciary Committee with regard to this provision. This will allow us to deal with the tax aspects of this bill on a House originated vehicle and avoid an unnecessary procedural impediment of the passage of the bill.

Mr. ROSTENKOWSKI. Mr. Chairman, I reserve the balance of my time.

The CHAIRMAN. The gentleman from Illinois [Mr. ROSTENKOWSKI] has consumed 5 minutes.

The gentleman from Tennessee [Mr. DUNCAN] is recognized for 7½ minutes.

Mr. DUNCAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, I cannot support the Ways and Means Committee amendment to H.R. 3810, the Immigration Control and Legalization Amendments Act of 1986.

The earlier version of this legislation gave unfair preferential treatment to a special group of aliens: special agricultural workers. One aspect of this unfair preferential treatment was that agricultural workers were not subject to any waiting period for AFDC eligibility, whereas nonagricultural aliens were subject to a 5-year disqualification period. It now appears that the sponsors of the bill are changing this provision so that both agricultural and nonagricultural aliens will be subject to a 5-year disqualification period for AFDC.

This change is a step in the right direction. But I believe it may be a case of "too little, too late." This change was made only begrudgingly and leaves a lot more which should have been addressed.

For example, the new version of the bill only restricts the eligibility of newly legalized aliens for AFDC. There are other welfare-assistance programs in our jurisdiction which the committee amendment does not address. The result is that both the amnesty group and special agricultural workers are eligible for these benefits without any disqualification period. The other welfare-assistance programs include SSI, foster care and adoption assistance, and child support enforcement. These programs should have been evaluated more closely to determine whether or not some disqualification period should have been imposed.

To its credit the committee amendment does simplify some of the enforcement and verification procedures in the original bill. The committee amendment allows more flexibility to the States in developing their own programs to verify the resident status of aliens applying for assistance programs. It also replaces an ambitious nationwide, Social Security Number Verification Program with a 2-year feasibility study of the issue.

Nevertheless, these programmatic improvements are overshadowed by the unfair special treatment of special agricultural workers and the failure to extend the disqualification period to other welfare programs beside AFDC. For this reason, I cannot support the amendment.

The CHAIRMAN. The gentleman from Tennessee [Mr. DUNCAN] has consumed 3 minutes.

Mr. ROSTENKOWSKI. Mr. Chairman, I yield the balance of my time to the gentleman from California [Mr. BERMAN].

The CHAIRMAN. The gentleman from California [Mr. BERMAN] is recognized for 2½ minutes.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I am happy to yield to the gentleman from Kentucky, chairman of the subcommittee.

Mr. MAZZOLI. I thank the gentleman for yielding at this point for the purpose of engaging in a colloquy with the gentleman which we had discussed earlier.

Mr. BERMAN. I thank the gentleman.

I would like to ask the chairman of our subcommittee, the gentleman from Kentucky [Mr. MAZZOLI] a question: Sections 302 and 303 of H.R. 3810 provide that except as otherwise provided, an alien who acquires the status of an alien lawfully admitted for temporary residence, such status not having changed, is considered to be an alien lawfully admitted for permanent residence, as described in section 101(a)(20), "other than under any provision of the immigration laws."

My understanding of this last clause in both subsections is that it refers to the limitation on the petitioning rights of persons lawfully admitted for temporary residence under sections 302 and 303 of the bill. Is that correct?

Mr. MAZZOLI. If the gentleman would yield, yes, it is my understanding. I further understand there are other disabilities and disqualifications in other sections of this bill, but the sections to which the gentleman just referred specifically deal with limitation of petitioning rights under the Immigration and Nationality Act.

Mr. BERMAN. That is my understanding as well, and I thank the gentleman.

Mr. BERMAN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The gentleman yields back 2 minutes.

Mr. DUNCAN. Mr. Chairman, I am pleased to yield the balance of my time to the gentleman from Nebraska [Mr. DAUB].

The CHAIRMAN. The gentleman from Nebraska [Mr. DAUB] is recognized for 4½ minutes.

Mr. DAUB. I thank my distinguished leader, Mr. DUNCAN, for yielding me the balance of the time allocated to the Committee on Ways and Means.

I only want to dwell very briefly on that section of the bill that would be within our jurisdiction to indicate that the AFDC amendment which Chairman ROSTENKOWSKI spoke about, an amendment I authored, passed by the Committee on Ways and Means, is substantially incorporated.

I have to admit that is a slight improvement to the Schumer-Berman amendment. But the Schumer-Berman amendment has been one of my biggest obstacles to being able to support the bill.

I think it has gotten us all into the attitude of "it is a bad bill but" or "it is that time of the legislative season and I have to hold my nose in order to vote for it."

The fact of the matter is we have an opportunity on the McCollum amendment to strike general amnesty and under the Fish amendment we have the opportunity to strike extended voluntary departure. But we have no opportunity in this particular vote, when you vote for this bill, to strike the Schumer-Berman emphasis, the thrust of it, the heart of it, which is to give citizenship ultimately, permanent residence to legalized people who come here after 1981 and carve out a very special area of preference for the growers of California.

Now, we would not be here on the floor today even, I say to my colleagues, if a deal had not been cut. That deal was not just among Republicans and Democrats in the House, that deal was with the Senate to accept in the conference the Schumer-Berman compromise. There will not be any doubt about it. That part of the bill in conference is done. So if you vote for this bill, you are going to vote for the conference agreeing to bring back the Schumer-Berman language for agricultural workers. So that part of what will happen in conference is beyond dispute, I say to my colleagues. So if you vote for the bill, you will be voting for sure for that kind of amnesty for people who have not been in this country but for 2 or 3 years already, let alone those who will be able to come in and become permanent residents because they work temporarily in agriculture. I do not think that is fair.

There are five reasons why I think amnesty, generally, is wrong. You have an opportunity to take care of that by voting for the McCollum amendment which strikes general amnesty provisions and in its place leaves a provision that is in the bill called registry. Registry is a provision that allows case-by-case amnesty. It allows anybody here prior to 1976 to come forward to indicate they are married, that they have kids, that they go to school, they work, they are law abiding, they have not been in trouble, and they can become permanent residents and then become citizens. That is fair, and I think that is compassionate. So there is an amnesty section in the bill that survives if McCollum is successful. If Fish is successful in striking extended voluntary departure for Salvadorans and others in Central America, then indeed this bill just might be one that I, too, could hold my nose on and vote for the final passage and send it to conference.

If you look at the issue of population control, if you look at the fact, and everyone is in agreement that you are going to have between 10 and 20 million people legalized and if only half of those people come forward and take advantage of general amnesty and you multiply that times the chain of seven relatives who will be eligible for entry into this country, then you are looking at between 50 and 100 million new faces that will be added to the population flood to this country.

Amnesty is wrong because it sends the wrong signal to other nations. It tells people in other countries that if the United States grants amnesty once, it will do it again. Second, it is wrong because it will put severe strains on State and local governments which will find their costs for education and welfare and other benefits soaring as a result of this new load on the flood because of amnesty and the chain result that occurs from that.

Third, it is wrong, as I said before, because the U.S. economy is moving toward a high technology base. It requires greater amounts of education and training. Absorbing large numbers of unskilled workers from abroad will require a different kind of economy than the one that is emerging in the United States today.

Fourth, amnesty tells the world that the way to get into America is to break the law, cheat and come here because you can get permanent residence and then you become a citizen. Mr. Chairman, in my opinion what amnesty does is it cheapens the value of American citizenship. I do not think this House wants to do that in the way that is proposed by the bill that is in front of us today.

The CHAIRMAN. The time of the gentleman from Nebraska [Mr. DAUB] has expired.

Mr. JEFFORDS. Mr. Chairman, I yield to the gentleman 30 seconds, which is the balance of my time.

Mr. DAUB. I appreciate the remaining 30 seconds from the agricultural portion of this debate.

So I would urge my colleagues to think carefully about the dynamic of chain migration, the dynamic of this echo effect that causes so many more to come, legally, based on the chain of someone who came here illegally. I do not think this House wants to do that. We have a chance by voting for the McCollum amendment and for the Fish amendment to send this bill to conference in much better shape for the kind of result that will do us proud in immigration reform.

May I say in conclusion how much affection I have for the intellect and persistence of the gentleman from Kentucky [Mr. MAZZOLI] who I think ought to be given credit for all the work that has been done in immigration reform.

□ 1600

Mr. WAXMAN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the contribution of the Energy and Commerce Committee to this proposition that is before us is quite modest in scope.

We had the question of what Medicaid benefits would be extended to

those in the category of legalized aliens who would be denied any welfare benefits, and thus Medicaid benefits. We carved some exceptions out, particularly in the area of emergencies in public health, which we considered the most appropriate. Those matters were not of controversy as we considered our portion of the bill.

Mr. Chairman, I yield 4 minutes to the gentleman from California [Mr. BERMAN] to clarify some other matters on the debate on this legislation.

Mr. BERMAN. Mr. Chairman, I thank my friend, the gentleman from California [Mr. WAXMAN] for yielding this time to me.

Mr. Chairman, initially I might say in response to the comments of the gentleman from Nebraska earlier, that in all fairness to the extent we characterized a proposal by the names of its authors, it is only fair to point out that this was a Schumer, Berman, and Panetta proposal, as altered by the chairman of the subcommittee, Mr. MAZZOLI, as further modified by the gentleman from California, Mr. LUNGREN, and as finally amended, informally but very specifically in this bill, by the gentlemen in the other body, Mr. SIMPSON and Mr. WILSON.

Second, I wanted to take a couple of minutes to discuss one aspect of that proposal, the replenishment part, because there are concerns that I am hearing about and I think they should be addressed.

Many people, this individual included, have great concerns about the replenishment feature of this program. And, of course, as Mr. PANETTA eloquently stated earlier, the replenishment feature is part of a total package. There were compromises made in that replenishment program which apply only after this law has been in effect for 3 years. Individuals who are not at this time authorized to work and who have not come under the other legalization features may, under certain very specific and limited conditions, be given work authority in this country to perform agricultural services.

Now there are features of that replenishment program that I do not like. But I want to ask anyone who had concerns about it to read the language of the bill. I truly believe that if this law is implemented fairly, the replenishment program that would trigger the additional granting of work authority to individuals in agriculture will never come about, because it is made possible only if there is a shortage of available workers in this country.

What we are doing with this proposal is to require the Secretaries of Labor and Agriculture first, to determine if there are any U.S. workers available and willing to perform agricultural services. Even as we speak, the Department of Labor indicates that there are at least 100,000 to 125,000 unemployed domestic farm workers in this country.

Second, we have a proposal that would provide in a rather elaborate fashion legal status to the many thousands of agricultural workers who are now undocumented workers working in agricultural services based on the test of whether or not they have in fact worked in agriculture in this country in a fashion which has been spelled out by earlier speakers.

Third, there is a program that I do not like, but it exists, and we have made some technical and substantive changes in that program, namely the H-2 program.

In each of these sources of labor, the Secretaries of Labor and Agriculture will have to determine that the growers in this country, before they are entitled to any additional sources, have exhausted those sources of labor and have taken meaningful and serious steps to recruit, to offer reasonable wages and adequate working conditions to the workers in this country, before they can find that any further work authority is provided.

Mr. MAZZOLI. Mr. Chairman, I yield the gentleman from California [Mr. BERMAN] 1 additional minute.

Mr. Chairman, will the gentleman yield?

Mr. BERMAN. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding to me.

Mr. Chairman, I would ask my friend, the gentleman from California, with whom I very violently disagreed in the early stages of this bill and whose patient help and cooperation has moved it to a posture I can support, please address for the purpose of the House and the gentleman from Nebraska the petitioning rights. There may be some misunderstanding about how quickly these special workers and the replenishment workers can really petition. Maybe the gentleman can address the question of this new wave and echo effect, and so forth, the gentleman talked about.

Mr. BERMAN. Mr. Chairman, I will be happy to deal with that question as I understand it.

Contrary to my wishes, the bill before us limits the petitioning rights of the agricultural workers who will be legalized under this program to exclude the whole series of preferences by which other lawful permanent residents of this country are allowed to petition for relatives. With the exception of spouses and minor children, there are no other petitioning rights for these individuals.

As to those particular rights, the gentleman from Kentucky far more than I can indicate the long backlog that now exists before even those petitions could bring anyone in.

Mr. DANNEMEYER. Mr. Chairman, I yield 3½ minutes to my colleague, the gentleman from Texas [Mr. FIELDS].

Mr. FIELDS. Mr. Chairman, I rise in opposition today to H.R. 3810, the Immigration Reform Act of 1986. My opposition to H.R. 3810 does not mean I am opposed categorically to immigration reform, for I am not, Nor does it mean I oppose legal immigration, for I do not. However, I am opposed to several of the provisions affecting illegal immigrants contained in the immigration reform bill we are considering today.

I am a native of and represent a southern border State—Texas, I am well aware of the problems associated with illegal immigration: The costs to public education, the costs to public hospitals, the costs for public health services, the increase in criminal activity and job displacement.

I do not believe that State and local governments in my home State of Texas or in any other State should be burdened by these increased social costs associated with the failure to control our border. I feel the solution is to provide more resources to patrol and control the border and to enforce our laws. The solution is not to grant amnesty, or legalization, thereby legitimizing previous illegal actions by an unknown number of aliens. How many illegal aliens qualify for amnesty? No one knows. There could be over 1 million illegal aliens in Texas alone who will be granted amnesty under this bill.

I oppose legalization. However, should this bill becomne law, thereby legalizing an unknown number of illegal aliens, I believe it is only right that the Federal Government be reponsible for the accompanying social costs. Therefore, I support the amemdments to the health provisions approved by the Committee on Energy and Commerce which were incorporated as original text with the adoption of the rule.

Mr. Chairman, these health provisions are critical for States like Texas that likely would have substantial numbers of illegal aliens applying for permanent resident status should this bill become law. I would urge the House to insist on retaining these provisions should the House find itself in conference with the other body on this bill.

In addition to amnesty, I oppose the agricultural worker provisions. Again, I feel that these provisions allow an unknown number of aliens to gain permanent resident status because of their ability to move out of agricultural work and the allowability of their repalcement by new aliens.

I also am concerned with the employer sanctions provisions, the workability of the verification system to de-

termine alien status for employment and the antidiscrimination provision. I recognize that the antidiscrimination provision was included to prevent the possibility of increased discrimination due to employer sanctions, a real concern.

However, the provision gives aliens greater legal and procedural rights than currently affored to U.S. citizens, civil rights law already prohibits discrimination based on national origin. The antidiscrimination provision prohibits an employer from preferring a U.S. citizen over a noncitizen. I sumit that as written, the provision discriminates against U.S. citizens.

I also believe that if employer sanctions ultimately are going to be included in an immigration bill, they should be predicated on the hiring of an illegal alien, not on paperwork violations. As written, employers who do not even hire illegal aliens could be fined for noncompliance with recordkeeping and paperwork requirements that would serve no purpose. This is inefficient policy.

Mr. Chairman, for the previously stated major reasons, I oppose H.R. 3810 and urge its defeat. I recognize the need for immigration legislation, but cannot agree with the methods proposed. I do, however, endorse the provisions of the bill that recognize Federal responsibility for social services provided to aliens. I also support increasing our enforcement efforts.

□ 1610

Mr. DANNEMEYER. Mr. Chairman, I yield myself such time as I may consumr.

Mr. Chairman, almost no issue has aroused public passions in southern California in recent years more than that of immigration. The district I represent in Orange County is but a few hours away from the porous United States-Mexico border south of San Diego.

While Congress has continued to struggle with the issue of immigration reform, the problem has escalated unchecked. In 1980, the Census Bureau estimated that the undocumented alien population ranged between 3.5 million and 6 million. Some economists now offer estimates that exceed 10 to 12 million illegal aliens. While we may never be able to determine the exact number of illegals who reside in the country, we are now certain of the 1.3 million illegal aliens that were apprehended by the INS in 1985. For every alien apprehended by the INS, it is estimated that twice that number enter this country undetected.

The surge of illegal immigrants entering the United States through our southern border has risen to such a level that the U.S. Border Patrol, responsible for protecting 66 miles of our southern border, has admitted defeat. They now acknowledge that they cannot begin to apprehend all illegals entering this country because their numbers and their determination far exceed manageable dimensions. The INS has arrested 270,000 illegal aliens in the past 6 months. This represents a 48-percent increase in the number of aliens arrested over the same period a year ago. Since May 1986 the Border Patrol has arrested an average of 70,000 aliens per month and has encountered an average of one illegal alien every 35 seconds.

Though San Diego County has endured countless hardships in the course of the struggle with illegal immigration, Los Angeles County has not escaped its share of economic and social devastation. According to the 1980 U.S. census, 49.8 percent of all undocumented aliens in this country were in California, 64.3 percent of those settled in Los Angeles County. Additional statistics point up the unjust burden thrust on Los Angles County by the mere chance of geography:

Los Angeles County is home to an estimated 1 million undocumented aliens;

Los Angeles County has more undocumented aliens than all other States combined with the exception of New York, Texas, and the entire State of California;

It costs local taxpayers more than $200 million each year to provide health, justice, and social services for this population. Out of that $200 million, the county department of health services spent approximately $115 million in 1985 on health care for the more than 600 undocumented aliens who daily occupy beds in the five county hospitals—none of which are currently reimbursed by the State or Federal Government;

Approximately 70 percent, or 18,000, of the babies born in country hospitals are to undocumented alien women. These babies are automatically American citizens, and are therefore eligible for all the welfare benefits available to any U.S. citizen;

And 48,000 children, whose mothers are undocumented aliens receive benefits costing county taxpayers $8 million per month;

As a result, to say that immigration reform is "must" legislation does not begin to capture the compelling need for enactment of a bill before the 99th Congress adjourns in a matter of days. While far from perfect, we have an historic opportunity to pass such legislation in the form of H.R. 3810, the Immigration Reform Act of 1986, now before us. As a member of the Judiciary Committee which crafted this bill, I rise to support it, warts and all, and urge my colleagues to do the same.

There are four key elements to immigration reform: Employer sanctions against those who knowingly hire illegal aliens; amnesty for those illegal aliens who are already here and have become part of our social and economic systems; increased enforcement at the border; and a viable guestworker program to meet the labor needs of agriculture in California and elsewhere.

The controversy over the substance of these issues has been made all the more difficult to resolve because of the nature of the rule for considering this bill as crafted by the House Rules Committee. The limitations in the rule on what amendments can and cannot be offered make our choices harder. For example, the bill as it comes to the floor provides certain social welfare benefits to illegal aliens. While they are not eligible for basic welfare programs, they are for some health and education programs. Despite the humanitarian motivations for such eligibility, these provisions are unreasonable given the enormous size of projected budget deficits. Despite these legitimate arguments against it, the rule does not permit an amendment to strike these provisions from the bill.

Nonetheless, the fundamental question to be addressed in evaluating this less than perfect package is simply this: Is it an improvement over the chaos which characterizes our current immigration control system? Since I believe it is an improvement, I intend to support the legislation.

As to the four key elements of immigration reform noted earlier, my thoughts are as follows. First, employer sanctions are justified by the fact that the magnet which draws illegal aliens to our country is not only personal freedom we enjoy but the economic opportunities which abound in California and in the United States generally compared to conditions in Mexico and other foreign countries. The bill puts stiff sanctions in effect for those who knowlingly hire illegal aliens.

Second, if we are going to have employer sanctions, then the other side of that coin is to provide some carefully drawn amnesty for illegal aliens that are already in the country. Many people in and out of Congress are unhappy about any form of amnesty, and I appreciate the concerns which prompt some to feel this way. However, we must confront the dilemma we are in whether we like it or not, namely, that illegal aliens who have been here a number of years are integral members of our society and economy. It is simply unrealistic to think that it is fair or workable to expect these people to go away. We need to wipe the slate clean, in terms of legal status, in order to hold employers accountable for future actions in hiring illegal aliens since this will be a new form of liability.

Third, additional resources for the border patrol are absolutely necessary.

Fourth, the substantial agricultural operations in our State, which bring food to our tables and employ many of our citizens, depends upon a reliable supply of temporary labor. A major flaw of the bill and the procedures under which it is being considered is the lack of a guestworker program along the lines of the original Senate bill and the lack of an opportunity to add one in the House. However, the provisions in H.R. 3810 as it stands today are in fact an improvement over the H-2 Program in current law.

We cannot be blind to the fact that illegal aliens are living in a jungle today. They are being preyed upon by ruthless people and cannot pursue the customary channels for legal redress since to do so would expose their illegal status. By providing for a more viable H-2 Program, this legislation advances basic human rights.

Last, I am pleased that an amendment which I introduced several years ago has been made in order under the rule. The amendment requires the Immigration and Naturalization Service to obtain either the consent of the owner or a search warrant before entering a farm or other agriculture operation in search of illegal aliens. House Members will have the opportunity to vote to reject or accept this provision. If adopted, this provision will reduce unnecessary crop damage resulting from indiscriminate INS "sweeps" and provide farmers and farmworkers the same degree of constitutional protection that their counterparts in other aspects of manufacture already enjoy.

In conclusion, I urge support for this legislation since action on immigration reform, even with the problems I have cited with this version, is a much better outcome than again adjourning for the session without enactment of comprehensive legislation. Major improvements are necessary to make the bill acceptable before enactment. At present, our much hailed U.S. melting pot is in danger of overflowing. The immigration reform effort now underway is crucial to the future of this Nation. It is not perfect, it is not what I would have drafted if given a free hand. It is however, better than nothing. Make no mistake, that is the choice. This, or nothing. In light of the severity of the immigration crisis and the social and economic implications for our Nation if the problem continues unchecked, the choice is easy. This, is better than nothing. I remain hopeful that some of its defects will be corrected before it is sent to the President.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I yield to the gentleman for Kentucky.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Chairman, I have once again listened with very much interest to the gentleman as I did back in 1984, and the gentleman would probably remember that I cited the gentleman's discussion he had in the well in 1984, 2 years ago, as one of the most important statements that I have heard on this floor in all my years here.

It reflected the gentleman's insight and hard work and thoughtful process. I have heard the gentleman's statement today, and I applaud the gentleman on again reaching the real truth, the kernel of wisdom in all of this.

There is a responsibility to have employer sanctions and with it comes a further responsibility to the employers and to the employees who have made America what it is who add to our gross national product. I want to thank the gentleman for having reached that posture.

Mr. WAXMAN. Mr. Chairman, I yield 2 minutes to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. I thank the gentleman for yielding me this time.

Mr. Chairman, it is important that we support Mr. MOAKLEY's provisions changing the definition of political refugees in Salvadoran and Nicaraguan refugees.

I am particularly sensitive to this issue because the Governor of my State, the Honorable Toney Anaya, declared New Mexico a sanctuary State. While I strongly opposed this action, I do feel we must address the issue of political refugees in Central America through the legislative process.

The facts supporting Mr. MOAKLEY's provision are compelling.

Mr. Chairman, the human rights situations in both El Salvador and Nicaragua continue to be of great concern. According to the Human Rights Office of the Roman Catholic Archdiocese of San Salvador, nearly 2,000 civilian noncombatants disappeared or were killed in 1985 alone. This figure does not include the number of combatants that were killed. The New York Times, in a recent story, reports that the U.S. Embassy in San Salvador has documented over 100 Salvadoran civilians have been killed by guerrilla land mines since January of this year—and the number is on the rise. In Nicaragua, according to a recent U.S. State Department report—"Crackdown on Freedom in Nicaragua and profiles of Internal Opposition Leaders," August 1986—"the Sandinista Government has intensified repression" in that country. Additionally, various human rights groups have documented human rights abuses by the Contra forces—and there are significant civilian casualties as a result of the fighting between the Sandinistas and Contras.

In the past, various administrations have granted refugees, in similar situations as the Salvadorans and Nicaraguans, a temporary stay of deportation known as extended voluntary departure [EVD]. EVD has been granted to 15 different national groups during the past 25 years. It currently protects from deportation Poles, Afghans, Ugandans, and Ethiopians. This administration, however, has failed to extend this protection to Salvadorans and Nicaraguans.

It is important to clarify that EVD does not require either a body count of massacred returnees or that potential returnees prove that they will be singled out for persecution if they are sent home. Such a criteria is appropriate only to the higher asylum status. EVD has always been conferred upon nationalities due to unstable or unsettled conditions in potential deportees' homeland.

For example, the December 2, 1980, INS directive announcing the currently effective grant of EVD for Afghans stated explicitly that it was for Afghans who resist returning to Afghanistan because of the turmoil prevailing in that country rather than because of fear of persecution.

The issue you will be asked to vote on during consideration of the immigration bill, is whether Salvadorans and Nicaraguans will be granted an EVD-like status—and, therefore, be treated in the same manner as refugees in similarly situated circumstances. The proposal advocated would suspend deportations for approximately 2 years, pending a General Accounting Office study on the conditions in El Salvador and Nicaragua.

It is important to remember that this is not—and should not become—a foreign policy issue. This is not a debate on the performance of President Duarte—and it is not a debate on whether or not you support aid to the Contras. The issue is the protection of lives.

It is my hope that the House will support protection for Salvadorans and Nicaraguans.

Mr. WAXMAN. Mr. Chairman, I have no requests for time, and I yield back the balance of my time.

Mr. MAZZOLI Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, we are about to enter the second phase of the bill, of the bill's progress, which is the amendment phase. We have now before us 14 amendments which are listed in the rule. They will be taken as listed. Each has a time limit to it. There are 14 amendments, as I have said, 4 of which are limited to 10 minutes debate; 5 minutes, equally divided.

The other 10 are 20-minute amendments; 10 minutes on each side. Doing a rough calculation of minutes, that is

a total, if we could go through it without recorded votes, of 240 minutes or basically 4 hours. Obviously, there will be some recorded votes but I guess my thought would be that the decision that the Committee reaches or the House reaches is one it will reach in its wisdom. But it is the hope of the gentleman from Kentucky, and in this I am stating the sentiments of the gentleman from New Jersey, our distinguished chairman, who is in the other body at the time on the impeachment question, that we try to finish the bill tonight. We have a very limited amount of time in this legislative session; we have many other activities which have to be discharged. As I said, I would hope that after we have our debate that we might have a spirited debate in the limited time, have a vote, and then hopefully move on to the next amendment.

□ 1620

Mr. ZSCHAU. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from California.

Mr. ZSCHAU. Mr. Chairman, I rise in support of this immigration reform legislation. Illegal immigration is a critical problem which we must address with a sense of urgency and with a responsible plan of action.

Mr. Chairman, if this is a typical month, over 100,000 people will illegally cross the U.S. border into California during October. This ever-growing number of illegal aliens in the United States—as high as 12 million—is causing the United States to withdraw the warm welcome Americans have traditionally given to immigrants from Europe, Mexico, Central and South America, and Asia. These statistics confirm that we have lost control of our borders.

It's essential that we regain control of our borders not only as a deterrent to illegal immigration, but also to preserve our ability to honor treaties, to collect tariffs, and to effectively interdict illegal drugs.

I support a two-pronged approach to this problem:

The first is to beef up our border patrol. For the past 4 years, over 1 million illegal aliens have been apprehended each year crossing the U.S. border. This year apprehensions are expected to be 2 million. At the same time the number of apprehensions have doubled, there has been only a slight increase in the number of agents to patrol the border.

Our second goal must be to reduce the incentive for aliens to come here illegally. A key provision in this bill imposes sanctions on employers who knowingly hire illegal aliens. This is based on the belief that if employers of illegal aliens are fined, they will no longer provide such jobs, and the lack of jobs will discourage foreign nationals from entering the country illegally. However, while eliminating most jobs for illegal aliens, it's important also to establish a workable mechanism to help California agriculture meet its labor needs while eliminating the factors which have permitted exploitation of foreign laborers in the past.

H.R. 3810 satisfies all of these needs. It represents a significant improvement over the 1984 immigration reform bill. It is less costly, sunsets employer sanctions if they don't work, and defers the deportation of Salvadoran and Nicaraguan refugees while the risks to them in their own countries are studied.

Today, we are faced with a crisis situation. The Immigration and Naturalization Service reports that its apprehensions of illegal aliens have increased by 50 percent over last year, and that one-third of those they apprehend have illegal drugs in their possession. Just this week we passed a comprehensive drug reform bill, but more needs to be done. With this bill, we have the opportunity to do more to fight the war against drugs and also to regain control of our border.

I urge my colleagues to support H.R. 3810.

Mr. GONZALEZ. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Texas.

Mr. GONZALEZ. Mr. Chairman, I rise in opposition to H.R. 3810 and to the rule under which it is being considered. For the second straight Congress we are being forced to consider the important and complex issue of immigration reform at the 11th hour under unreasonable and unfair truncated legislative procedures. This year's bill contains some provisions that serve both practical and humanitarian ends. However, ultimately the bill will not serve its stated purpose of gaining control of our national borders, because it ignores the historical and economic reality of our sourthern border and does not address the causes of current immigration waves. Moreover, the bill will inevitably result in discriminatory treatment of foreign-looking people and incredibly, inexcusably resurrect and legitimize the practice of indentured servitude.

Historically, our borders have been open to immigration from the Western Hemisphere. Until our last major effort at immigration "reform" in 1965, there were no quotas or limitations on immigrants from this hemisphere; in essence, a visa applicant had only to show that a job was available and that he or she was not otherwise disqualified. With the advent of the quota system, legal immigration has become virtually impossible from those countries where historical ties, geography, poverty, and civil strife combine to make large waves of immigration inevitable. This bill will not work, because it totally ignores historical patterns. Today's so-called illegal immigration crisis exists not so much because the numbers seeking to live and work in this country are greater, but because the 1965 reform makes legal entry all but impossible.

The flow of immigration—legal or illegal—is a sure index of desperation. Just as the Irish potato famine set off a wave of immigration, just as the Vietnam debacle threw the boat people to the sea, we have today a wave of immigrants fleeing from misery and desperation. The people we know as illegal immigrants do not want to become lawbreakers, but they cannot and will not let laws stand between them and what may be their only chance to survive or attain some semblance of human dignity. Ultimately, the only way to curb illegal entry is to address the human desperation behind illegal immigration. For this reason I have long supported the creation of a bilateral United States-Mexico Development Bank and a free trade zone. I believe that such actions would go far to create new opportunities and reduce desperation on both sides of the border. This bill, however, will not work because it fails to address the forces pushing immigration.

What the bill surely will do is to create a pervasive system of discrimination against citizens and legal residents who have foreign appearance and, for all practical purposes, to revive the cruel practice of indentured servitude. Employer sanctions are the heart of this bill, but without a uniform Federal identification document, employer sanctions simply cannot be enforced without discriminatory effect. Notwithstanding provisions prohibiting discrimination, it is too much to ask of employers that they fairly and accurately determine who may be hired and who may not, when the threat of sanctions hangs over an incorrect decision. Perhaps correctly, the bill explicitly states that it does not authorize creation of a national identification card. But in doing so it replaces the invasion of everyone's privacy with pervasive and invidious discrimination against substantial minority populations.

While the employer sanctions provisions are purportedly designed to reduce the flow of immigration, the so-called Schumer agricultural worker section directly undercuts that goal through its replenishment program. That giant concession to farming interests invites additional aliens to this country with the promise of legalization, so long as they are willing to be indentured to agriculture. The risk of exploitation in such a program is endemic. Whatever else it may be, such a program is not immigration reform.

I support some provisions of H.R. 3810 independently, such as those granting extended voluntary departure status to Salvadorans and Nicaraguans. However, I cannot support a package that will privatize law enforcement, that will result in widespread discrimination, that will recreate scandalous foreign worker programs, and that ultimately will not solve the problems it seeks to address.

Mr. COMBEST. Mr. Chairman, I rise today to express my great dissatisfaction with the immigration reform legislation under consideration by the House today. This bill represents the third attempt in as many years to address the severe immigration problem in this Nation. Once again, a solution to the immediate problem of uncontrollable borders has been lost in an onslaught of provisions that would ultimately complicate and exacerbate rather than alleviate the immigration problem.

As a Representative from one of the border States, I am especially concerned about the loss of border control that resulted in the presence of an estimated 3.5 million to 6 million illegal aliens in the United States in 1985. Last year, the Immigration and Naturalization Service [INS] deported approximately 1.3 million aliens, but there simply is not sufficient enforcement personnel to curb the steady flow of illegals. At present, the INS has only one agent for every 9.8 miles along the expansive southwest border. It is my view, and that of an overwhelming number of my west Texas constituents, that the first step in con-

trolling illegal immigration is greater enforcement of our existing immigration laws. This enforcement cannot possibly by achieved while the number of enforcement personnel remains deficient.

So, instead of devising a means for more effective border control, the House has assembled a so-called immigration reform package with a multitude of controversial provisions. Amnesty for illegal aliens is one of the provisions that I consider to be most objectionable. In effect, those individuals who have broken the law in crossing U.S. borders are being rewarded by granting them citizenship. Besides discouraging respect for our Nation's laws, amnesty cheapens the meaning and value of citizenship for those persons who have patiently waited through our standard citizenship process.

The House immigration package would also encourage discrimination against individuas of Hispanic origin who are legal citizens of the United States. By requiring employers to verify the citizenship of each employee, those individuals with Hispanic surnames, like many of my 19th District constituents, might be subjected to discriminatory hiring practices. Small businesses would be especially disadvantaged by the employer sanction provisions since burdensome recordkeeping would be mandatory for jobs ranging from temporary yard work to running errands.

Of course, one of the greatest impacts that the immigration reform package would have on west Texas would be in the agricultural sector. While growers depend on a readily available supply of workers, it is my view that the provisions of this immigration bill granting temporary resident status to agricultural workers would serve as a vehicle for increased legalization. Most of the farmworkers legalized under the greencard provisions would be likely to move out of agriculture. It would not solve the problem of available farmworkers, but it would create a secondary legalization program instead. Individuals crossing the border claiming that they are agriculture workers will be given a presumption of eligibility, thus interfering with the already deficient apprehension of aliens.

Another example of the widespread scope of this legislation is the authority granted in the H-2 provisions to legal services attorneys that would allow them to represent temporary foreign agricultural workers. The situation that exists in my congressional district clearly illustrates the adverse effect that the LSC has already had on agriculture. Hereford, TX, is the location of an LSC grantee that has repeatedly brought costly class action suits against numerous farmers. Several have switched to crops that can be harvested mechanically to avoid having to hire migrant workers. The result has not only damaged the agricultural balance of Hereford, but has also inhibited employment opportunities for migrant workers.

In addition, I can hardly see the logic in extending LSC services to H-2 workers who are not U.S. citizens or U.S. taxpayers. American citizens would be forced to compete with foreigners for services financed by taxpayer dollars. Considering our critical budget deficit, this is most inappropriate, unwise and costly.

Mr. Chairman, there can be little doubt that the flood of illegal immigrants into the United States must be curtailed. The financial and ethical effects of illegal immigration are immense. It is my view, however, that this package represents an ineffective attempt to solve the immediate problem. Providing noncitizens with free legal assistance or requiring employers to verify the citizenship of each individual they consider hiring will not curb the flow of individuals that are crossing the borders of our country each day.

It is important to remember that the root of the immigration problem lies in the economic situation of Mexico. Poverty and debt in Mexico makes the United States a powerful and very attractive magnet. A true solution to illegal immigration can be achieved only when Mexico finds a means to alleviate its internal problems. In the interim, we must protect our borders by fortifying and enforcing immigration laws, and we must ensure that those guarding our borders have the resources necessary to do this job.

I intend to channel my support and efforts toward effective and responsible legislative actions which address the true problem of illegal immigration. I strongly oppose, and I urge my colleagues to oppose, this misguided, burdensome and costly attempt to preserve the sanctity of the U.S. borders.

Mr. PACKARD. Mr. Chairman, everyone knows we have to so something about our immigration problem. U.S. immigration agents expect approximately 4 million illegals to cross our borders this year. Let's stop for a moment to put this figure in perspective.

Four million people breaks down to about 333,000 people per month—that's 183,000 more people than live in Arlington, VA, moving to the United States every month. Four million people per year amounts to the population of Lebanon, or Norway, or Israel. This figure is higher than the combined populations of Montana, Nevada, New Hampshire, Vermont, and Rhode Island. Although the scenario is unlikely, at the present rate it would only take 17 years to empty the entire country of Mexico.

Of those 4 million, the Border Patrol will apprehend about 1.8 million. I've been to the border; I've seen what takes place. After an illegal is caught, he or she is processed and taken back to Mexico in a matter of hours. When asked what those people typically do next, the agent repled, "Return to the U.S. within the hour."

In my district made up of San Diego County and Orange County we have had a tragic increase in drugs, crime, prostitution, and social problems. Now I read in the San Diego Union that the aliens are preying on our schoolchildren by stealing their lunch money.

How long can we wait? It is imperative that Congress pass immigration reform legislation now.

Mr. GREEN. Mr. Chairman, I would just like to say that in this complicated and controversial bill there is one provision which all reasonable legislators should be able to support. That provision has to do with colonial quotas and would raise the quota for Hong Kong from 600 to 5,000 a year.

It would have been a clear injustice to address the problems of illegals in this vast immigration reform bill and leave out this class of people who are trying to enter the United States legally under very unfavorable odds.

Let me just review for my colleagues some of the odds which exist for American citizens who wish to legally bring their close relatives in Hong Kong to this country. According to the State Department Bulletin on Immigration, as of October 1986, visas are currently being issued to the brothers and sisters of American citizens (fifth preference) who applied prior to February 22, 1974. For second preference—spouses and unmarried sons and daughters of permanent residents—visa applications are backed up to June 29, 1979. And even the most promising classification, first preference—unmarried sons and daughters of citizens—is backed up to April 1981.

As the Representative of the 15th Congressional District of New York, which includes Chinatown, I am especially interested in increasing the Hong Kong quota because of the hardships which my constituents have suffered as a result of families long kept apart. But obviously my colleagues on the House and Senate Judiciary Committees are also sensitive to this issue since the colonial quota increase was included in both the House and Senate versions. On behalf of my constituents who have new hope for family reunification, I thank them and commend them for their insight.

Mrs. ROUKEMA. Mr. Chairman, I would like to describe an amendment I offered to H.R. 3810, the Immigration Control and Legalization Amendments Act of 1986, which has been incroporated as original text in the substitute. I am the ranking Republican on the Labor-Management Relations Subcommittee of the Education and Labor Committee, and my amendment relates to a labor-management issue. The amendment will protect certain American workers from competition by aliens during a period when the American workers are on strike.

The purpose of my amendment is to provide consistency in the law for all categories of temporary alien workers. But before I describe my amendment, I will first share with you some background on the need for the amendment and the current state of the law.

As you know, earlier this year flight attendants went on strike against TWA. Many of my constituents who worked for TWA brought to my attention allegations that the company employed aliens to work on Trans-Atlantic flights while American employees were striking the airline. During an investigation of these allegations, I discovered that it is perfectly legal for a company to do this.

The Immigration and Nationality Act permits the issuance of temporary visas for certain foreign persons who plan to work as crewmembers on an American vessel or aircraft which either departs from or arrives at a foreign country; that is, one of the landings is in the United States and other must be in a foreign country. These are called nonimmigrant crew visas.

The act also allows the issuance of temporary visas for other types of nonimmigrant aliens for purposes of performing temporary labor in this country—for example, temporary farmworkers. However, regulations prohibit the issuance of these visas during strikes to all other temporary workers—those nonimmigrant aliens who come temporarily to the United

States to perform temporary services or labor other than as crewmembers.

There is no such prohibition against the issuance of nonimmigrant alien crewmember visas during strikes of American crewmembers. This a a gap in the law, and in my opinion an unintentional one, permitting unfair competition against American workers which must be closed. I feel very strongly that aliens should not be allowed into this country to hurt American employees by working as strikebreakers. The Government should certainly not help them do so by issuing special visas.

My amendment will close this gap in the law. The amendment, which is entitled "Denial of Crew Member Nonimmigrant Visas in Cases of Strikes," simply states that an alien may not be admitted to the United States as an alien crewman "for the purpose of performing service on board a vessel or aircraft at a time when there is a strike in the bargaining unit of the employer in which the alien intends to perform such service." To repeat, this will make the law regarding the issuance of temporary nonimmigrant visas to alien crewmembers consistent with the prohibition against issuing visas to other categories of temporary alien workers. It is an important and necessary amendment to the Immigration and Nationality Act.

Mr. CROCKETT. Mr. Chairman, I've been in Congress for 6 years now, and have listened to, and participated in, efforts to reform our immigration laws since the first day I arrived.

As the Representative of an urban area, and one that has a very large population of first- and second-generation immigrants, I am especially mindful of the serious nature of our immigration policies, and their impact on the peoples of the world.

During the past 6 years, we've examined immigration policies and practices; we've looked at the constitutional and statutory guidelines for allowing others to come to our shores; we've examined the social and economic factors involved in the guestworker programs and other variances to immigration law; and we've tried to broaden our outlook to take into consideration the legitimate political and human rights concerns that lead men and women to want to come to the United States.

Today, we see the fruits of those labors in the bill before us.

And, as much as I think this bill has merit, and as much as I would like to support it, I have a serious problem that will cause me to oppose it in its present form.

Mr. Chairman, my opposition to this immigration bill arises because of its dependence on the use of foreign agricultural workers, imported into this country at a time when unemployment among domestic farmworkers and others involved in the agriculture industry is particularly acute.

Just last month, the Bureau of Labor Statistics reported that some 235,000 agricultural workers were unemployed and actively seeking work.

These figures don't include the statistics on those agriculture workers who have dropped out of the "seeking work" category, or the number of farmers who own their land but are unable to work because of economic or other factors.

The Department of Agriculture has reported that there are roughly one million seasonal farmworkers in the United States. The argument that this so-called immigration reform would cause crippling labor shortages for the growers ignores the extremely high levels of unemployment among the domestic workers.

In 1985, farmworker unemployment rates stood at 14.3 percent—twice the total national average unemployment rate.

In areas where undocumented farm labor is allegedly used the most by growers, the unemployment rates among domestic workers is particularly high—exceeding 30 percent, for instance, in California's Imperial County and above 40 percent in Texas' Starr County.

There are two issues here—first, if the growers and other employers would just pay workers decent wages, they could attract enough workers in the ranks of the millions of unemployed legal residents of this country to meet all of their employment needs.

Second, this Nation's policy should, I think, be more attuned to help our own unemployed workers to get where the work is and find jobs than attuned to help devise elaborate formulas to allow growers to continue using illegal aliens as underpaid farmworkers.

The paradox of using significant numbers of undocumented farmworkers during a time of intolerably high domestic unemployment in the agriculture industry only sustains the unjust system of low wages, substandard working conditions, and high profit margins that have produced such misery on our farms in the past.

I can't support such a system. I can't vote to continue the injustices under these programs, or to strengthen the economic bondage of those who work in our fields.

For these reasons, I intend to vote "no" on this bill.

Mr. LOWERY of California. Mr. Chairman, it is said that the "third time's a charm." Well, it appears as if the House will adhere to this saying when we agree today to H.R. 3810, the Immigration Reform Act of 1986.

I rise in support of this bill for several reasons. First and foremost, my constituents are demanding action by Congress to control the influx of illegal aliens. Although H.R. 3810 is not without flaw, it does represent the best hope for immigration reform now, by this Congress. And action now is what the citizens in the 41st District of California want.

Second, the bill before us is more restrictive in its treatment of foreign workers than was the original House proposal which was voted down earlier by this House on a procedural vote. The requirement for 90 working days over a 3-year period is more in line with the basic legalization provisions in title II of H.R. 3810. While not enthusiastic about any two-tier legalization system, I will support this provision as necessary for enactment of major immigration legislation.

H.R. 3810 imposes employer sanctions on those who knowingly hire undocumented aliens and provides additional resources for enforcement agencies. The primary reason for the influx of aliens is the prospect for gainful employment. Until and unless employers are threatened with civil and criminal penalties, there is little hope that the United States will be able to stem the flow of illegals pouring into the United States. Moreover, unless our Federal agents—the INS and Border Patrol—are given the resources necessary to control the border and efficiently process legalization petitions, the lure of successful illegal entry will drive aliens across our border. H.R. 3810 acts responsibly in these two important areas.

Having outlined my support for immigration reform and this bill in particular, I would like to discuss one issue which will not be addressed during today's debate. It involves an amendment I intended to offer, and would have been able to offer, had the rule governing today's debate been similar to the two rules previously considered by the House. Unfortunately, in an understandable attempt to expedite enactment of immigration reform legislation, my amendment—and some others—were denied a hearing on the floor.

My amendment would have provided Federal reimbursement to localities for costs of emergency hospital services furnished to illegal aliens for fiscal years 1987–88.

Counties and cities throughout the Nation, particularly in our border communities, face a dilemma. As providers-of-last-resort, county run hospitals are forced to treat patients who have emergencies regardless of their ability to pay for services rendered. This is the case for legal residents of this country as well as illegal aliens. In the latter case, local jurisdictions are being forced to bear emergency health care costs resulting from a Federal failure to control its borders. The obvious consequences are that localities must divert funds reserved for a host of other needed services to pay for emergency health care for undocumented aliens.

This is not a new issue. It has, however, grown more acute as the number of illegal aliens has skyrocketed the past couple years. In San Diego alone, the county has borne $16.5 million over 5 years for providing emergency treatment to illegal aliens. Is it fair to ask taxpayers in this community to shoulder this cost because the Federal Government is unable to control the national border? I don't believe so and am sure that a majority of my colleagues would agree.

Although this matter will not be decided upon today by this House, I plan to pursue hearings and legislative remedies in the 100th Congress. Moreover, I call on my colleagues who have shown leadership on this issue—Mr. COELHO, Mr. COLEMAN, and Mr. ROYBAL—to combine our efforts in seeking a solution to this problem.

Mr. Chairman, despite the omission of my amendment, I rise in strong support of H.R. 3810 and urge Members to adopt this vital piece of legislation. With this action today, there is still a possibility that a House-Senate conference can report a bill back to both Houses for final approval. The Nation has waited 8 long years for immigration reform. The time to act is now.

Mr. LOWRY of Washington. Mr. Chairman, I rise in strong support of the provision of H.R. 3810 that would suspend the deportation of Salvadoran and Nicaraguan nationals from the United States that is contained in this bill. This provision would establish an appropriate and humanitarian U.S. response to conditions of violence in these two countries. It would not

give these individuals the legal right to remain here permanently, but would ensure that they will not be deported to areas where the general level of violence creates a potential risk to every individual's safety.

The violence in Central America has many causes. The extended voluntary departure provision of H.R. 3810 does not try to blame the violence on any particular force, faction, or government. This provision would simply establish a U.S. policy toward individuals who are now in the United States. It would say that we should not return these individuals into areas where they may become the victims of violence.

One common misconception is that our existing asylum procedure offers an adequate solution to this problem. Political asylum is appropriate for people who can demonstrate a direct threat to themselves as individuals. Many Salvadorans and Nicaraguans may be unable to demonstrate that they face a specific threat to their safety if deported. Yet they will be at risk if they are sent back to countries which are torn by violence. Extended voluntary departure is a more appropriate status for many of these individuals.

Our Nation's treatment of Central American refugees has aroused deep concern in the congressional district that I represent. Many churches, organizations, and individuals have been involved in efforts to assist refugees. The Seattle City Council has declared Seattle a "City of Sanctuary."

The people of Washington's Seventh District want our Nation to live up to its historic commitment to refugees. They know that extended voluntary departure status has been granted to people from Afghanistan, Cambodia, Cuba, Chile, Ethiopia, Iran, Poland, Uganda, Vietnam, and other countries. They are proud that our country was willing to help these people, and they want us to uphold our humanitarian traditions by helping Central Americans today. I urge my colleagues to support this provision of H.R. 3810.

Mr. RINALDO. Mr. Chairman, some objections have been raised about employment sanctions and the verification of job applicants by employers. Arguments have been made that these provisions would be difficult or too burdensome for employers to follow, or would be discriminatory to some individuals. The immigration reform measure contains a provision I offered as an amendment which would help ease the burden of employer sanctions. Specifically, my amendment would require the Department of Justice, in cooperation with the Departments of Labor and Health and Human Services, to study the feasibility of developing a telephone system for purposes of verifying the status of job applicants. This study is to be conducted within 12 months of the enactment of this bill.

This provision is fair both to the alien applying for employment in the United States and the employer who may fear reprisal for hiring any foreign worker regardless of legal status. The use of a telephone verification system for employment purposes has four advantages:

First, it would be less burdensome to employers in proving the legal status of applicants since they would need only to pick up the telephone to verify their immigration status. No extra paperwork would be involved and they would be assured of their compliance with the provisions of the alien employment law.

Second, it would be a more effective tool in determining the authenticity of alien status since many documents proving status can be easily forged.

Third, the alien could be assured after status has been verified that no undue pressure or threat of employment termination would be placed upon him or her.

Fourth, it would show American citizens and legal residents that action is being taken to ensure that their prospective jobs are not being taken away because of the hiring of illegal aliens.

I believe there is almost unanimous agreement that the principal reasons aliens migrate to the United States are available employment and the belief that it is not illegal for employers to hire illegal aliens. One way of solving this problem is to make it illegal for employers to hire illegal aliens and by imposing penalties on those employers who do.

However, it would be unfair to impose a cumbersome procedure upon employers to prove their compliance with the law. In addition, if the procedure is too burdensome, many legal aliens may be denied jobs because they may look illegal by nature of their skin color or accent.

That is why my amendment on studying the use of a telephone employment verification system for applicants and implementing its findings is needed. It is an easy and effective way to prove one's status without denying a person a job to which they may be entitled. For the employer, a job applicant may be offered employment in accordance with the law without fear of undue punishment.

I strongly favor immigration reform. An immigration policy that realistically allows us to resume control of our borders and at the same time promotes an orderly system of justice for the migration of aliens into our country is urgently needed. The imposition of employer sanctions, prohibitions against employment discrimination, and the strengthening of our border patrol are elements of reform that the majority of the American people support. I urge my colleagues to enact this legislation before this Congress adjourns.

Mr. LELAND. Mr. Chairman, the influx of illegal immigrants in our country has aroused great anger and debate among some sections of our country. Depending on whom you speak to, claims made that illegal immigrants displace American workers or drain Federal, State, and local resources by abusing assistance programs can either be verified or contradicted. Consequently, there have been demands on Congress to stem the tide of illegal immigration; to do something.

Defining "something" is a problem Congress has unsuccessfully attempted to resolve during the past 5 years. As Members of Congress we have an obligation to enact fair and decent legislation. In order for immigration reform legislation to truly be fair and decent it must address the root causes of illegal immigration—the economic and political instability in home countries. If we, as the American people's elected representatives, fail to address these root causes, any legislation we enact will simply be of cosmetic value, a hollow demonstration that something was done.

If H.R. 3810 is enacted, our Nation will wind up with a law that merely serves to placate some while inflicting suffering on others. H.R. 3810 is clearly a flawed bill, as evidenced by the difficulty it had reaching the House floor. I strongly oppose this ill-conceived piece of legislation and I will oppose its final passage.

The cornerstone of this legislation is the incorporation of employer sanctions. I am unalterably opposed to employer sanctions because of the resulting discrimination against people who are perceived to be "foreign-looking" or who have "foreign-sounding" names. My voting record while I served in the Texas Legislature and my voting record in this body demonstrates my long-standing opposition to employer sanctions and my grave concern over consequent discrimination. During all those years, there has been insufficient evidence that would rationally lead us to conclude that implementing employer sanctions would halt illegal immigration without massive discrimination resulting.

My opposition to the enactment of guest-worker programs, reminiscent of the abusive bracero program that wreaked physical, mental, and economic havoc on countless people, is also well established. I will not tolerate a return to such a misguided program. After clamors to bring an immigration bill to the floor which included a guest-worker program, a compromise was reached in the guest-worker provision of the legislation before us. Unfortunately, this compromise is just that, a compromise filled with flaws.

Today I will support those amendments which seek to protect both the legal and illegal population from abuse and discrimination. But on final passage, I will oppose H.R. 3810. Legislation enacted by the U.S. Congress must be premised on our great Nation's commitment to fairness, compassion, and decency. Tragically, H.R. 3810 fails to demonstrate this commitment. It is a deceptive bill as well, claiming to be immigration reform, yet failing to address the political and economic causes of illegal immigration. H.R. 3810, if enacted, will prove to create more ills than it purports to remedy. I urge my collegues to oppose this flawed legislation.

Mr. DIOGUARDI. Mr. Chairman, I rise today to express my strong support for an important provision that was included in the Immigration Reform Act of 1986. The provision is designed to reform the antiquated preference system. This was, and will continue to be, an area of great concern to myself and the gentleman from Massachusetts, Mr. DONNELLY. The inclusion of preference system reform was the result of a strong bipartisan effort.

On July 4 of this year, we saw a great outpouring of emotion and the bolstering of pride as we celebrated the 100th birthday of that glorious lady—the Statue of Liberty. Unfortunately, had the present preference system been in effect for all of those 100 years, those individuals most deeply moved by the July 4

celebration would not be here today. In fact, my father, who looked up at Lady Liberty with awe and admiration when he came through Ellis Island in 1929 would not have been allowed to enter the United States had the current preference system been in place.

Earlier this year, I sponsored legislation addressing this gross inequity. In a joint bipartisan effort, similar language was incorporated into the Immigration Reform Act of 1986. Under this provision, the inequities contained in the current preference system that discriminated against several countries were eliminated.

Ireland provided close to 5,000 immigrants per year in the 1950's or 2 percent of the total number of immigrants. Last year, the number of Irish immigrants had dwindled to just over 500 visas or 0.2 percent of the total. Similarly, Italian immigrants in the 1950's accounted for 7 percent of the immigrants entering the United States. In 1985, Italian immigrants accounted for only 0.5 percent of new arrivals. The same case could be made on behalf of several other countries.

The intent of this provision, as designed by Representative DONNELLY and myself, is to promote fairness in the current preference system. This provision's inclusion results in an additional 4,500 visas for Ireland, 7,500 visas for Italy and 3,500 visas for Poland. The same victory can be claimed for several other countries currently being discriminated against by the current preference system.

Mr. Chairman, I would like to thank Mr. DONNELLY for his efforts which were instrumental as I worked to have this provision incorporated into the bill, and to my colleagues for their efforts in righting this inequity.

Mr. LEVINE of California. Mr. Chairman, I rise in strong support of H.R. 3810, the Immigration Control and Legalization Amendments Act. There exists an urgent need to enact meaningful immigration reform legislation. This is an important economic, environmental and humanitarian issue. This bill represents the culmination of months of careful negotiation and deliberation. It contains major provisions which address the difficult and troubling issues involved in immigration reform.

First and foremost, this bill improves security along our borders, providing the funding necessary to increase border patrol personnel by 50 percent. This is necessary both to halt illegal immigration and also to end drug trafficking across our southern border. In 1985 the INS located over 1.3 million illegal aliens, more than double the total number of immigrants legally admitted last year. This is the highest apprehension figure in INS history, indicating that illegal immigration is increasing. Further, a substantial number of these aliens are repeat offenders. These figures show that our borders are out of control, and that apprehending and returning illegal immigrants to their homelands is not enough. Our border patrol must be strengthened if we are to meaningfully attack illegal immigration. I have consistently supported strengthening our borders, and I am pleased that the House has made this important provision.

H.R. 3810 also provides a legalization program for agricultural workers who have lived in the United States and been employed harvesting perishable crops for at least 90 days during each of the last 3 years. These workers may apply for temporary resident status, with adjustment to permanent resident status after 1 year. Additionally, workers who have been employed in agriculture for 90 days during the past year may apply for temporary resident status, with adjustment to permanent resident status in 2 years. Before being granted permanent resident status, undocumented workers must show basic citizenship skills. This provision meets the needs of agriculture for a stable workforce while ensuring the rights of those who harvest our produce and contribute to our economy.

This legislation requires that, in order to qualify for citizenship, applicants must demonstrate an understanding of English, and a knowlege and understanding of U.S. history and Government or a pursuit of a course of study to achieve such skills. If applicable, applicants must register for the military selective service. Additionally, any individual who has been convicted of any felony or three or more misdemeanors committed in the United States will be ineligible for permanent residence status.

Most undocumented workers legalized under this legislation will not be eligible for Federal financial assistance, including Aid to Families with Dependent Children [AFDC], Medicaid, and food stamps. Exceptions would be provided, under regulations established by the Justice Department, in cases involving old age, blindness, and disability.

H.R 3810 also provides sanctions for employers who hire illegal aliens. Jobs are the magnet that attracts illegal immigration. As long as there are jobs available, there will be tremendous incentive for illegal immigration. H.R. 3810 phases in a graduated penalty structure for individuals who employ, recruit, or refer undocumented aliens. The first offense would result in a citation explaining the prohibitions on employing undocumented workers. Future offenses would carry increasing civil fines. And individuals who engage in a pattern or practice of hiring illegal aliens would be subject to criminal fines and imprisonment.

Also included in H.R. 3810 are provisions to prevent discrimination in employment caused by employer sanctions. Employers, faced with the possibility of civil and criminal penalties for hiring illegal aliens could be reluctant to hire minority workers. Every effort must be made to prevent any act of discrimination. H.R. 3810 provides for the appointment of a special counsel within the Justice Department to enforce the antidiscrimination measures in this bill. The special counsel is authorized to initiate investigations of unfair employment practices. Employers who practice discrimination could be fined and required to hire the injured party and provide back pay.

H.R. 3810 provides a comprehensive package of immigration reforms. This legislation alone will not resolve all the issues involved in illegal immigration. But it does take an important first step in redirecting our immigration policy.

Mr. FAZIO. Mr. Chairman, no bill has undergone more intense debate, amendment, controversy, reversals and miraculous recoveries than this bill on the floor today. It still, in my view, has some serious problems because I do not think that employer sanctions can help but result in some discrimination. I do not know how to weigh this probability against the merely probable contribution this bill would make to genuine immigration reform.

There may be no satisfactory solution to these problems. We will have to watch the performance of this balance of mechanisms in the years ahead, and when we next have the fortitude to tackle this issue, make the corrections dictated by experience.

Several things are clear now, however, for anyone familiar with agriculture. The bill must deal with its unique requirements for workers, especially for perishable commodities. The recompromised Schumer-Berman-Panetta provision is as good an attempt to structure the complex equities in this situation as I can conceive of. I congratulate the principal authors of that amendment, and I congratulate the farm groups whose persistence, flexibility, imagination, and good faith were essential to the success of the compromise.

It is also clear now that we need to support the amendment to be offered this afternoon by our colleague, KIKA DE LA GARZA, chairman of the House Agriculture Committee, which would require search warrants for INS agents to enter fields in their attempts to apprehend illegal aliens.

This amendment reflects legislation first introduced at the beginning of the immigration debate 4 years ago by myself, Mr. EDWARDS, Mr. LUNGREN, and Mr. DANNEMEYER. Though the Supreme Court has found there is a technical difference between a field and an enclosed room in the application of search and seizure protections, there is no real reason why the same requirements for a search warrant should not be in effect in both places.

My colleagues should be aware of the disruption and damages caused innocent people by the current INS practice of outdoor sweeps through entire sections of acreage. In a number of cases panicked workers have been driven to their deaths out of fear that they would be caught and deported whether or not they were in the country legally.

In some cases, the situation faced by farmworkers in this country has been reminiscent of the 19th century labor history. This has not always been the situation, but too often it has been. Both the protections for farm workers in the Schumer-Berman-Panetta compromise and the search warrant requirements should go a long way toward mitigating these problems.

Congratulations to the sponsors of these provisions and to the authors of this massive bill who have persevered through extraordinary complexities and setbacks.

The CHAIRMAN. All time has expired.

Pursuant to House Resolution 580, the text of H.R. 5665 is considered as an original bill for the purpose of amendment under the 5-minute rule in lieu of the amendments printed in the reported bill.

The substitute is considered as having been read.

The text of the substitute is as follows:

H.R. 5665

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled,

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Immigration Control and Legalization Amendments Act of 1986".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to, or repeal of, a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

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TITLE I—CONTROL OF ILLEGAL IMMIGRATION

PART A—EMPLOYMENT

SEC. 101. CONTROL OF UNLAWFUL EMPLOYMENT OF ALIENS AND UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) IN GENERAL.—(1) Chapter 8 of title II is amended by inserting after section 274 (8 U.S.C. 1324) the following new section:

"UNLAWFUL EMPLOYMENT OF ALIENS

"SEC. 274A. (a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

"(1) IN GENERAL.—It is unlawful for a person or other entity after the date of the enactment of this section to hire, or to recruit or refer for a fee, for employment in the United States—

"(A) an alien knowing the alien is an unauthorized alien (as defined in subsection (g)) with respect to such employment, or

"(B) an individual without complying with the requirements of subsection (b).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for a person or other entity, after hiring an alien for employment subsequent to the date of the enactment of this section and in accordance with paragraph (1), to continue to employ the alien in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(4) USE OF LABOR THROUGH CONTRACT.—For purposes of this section, a person or other entity who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of this section, to obtain the labor of an alien in the United States knowing that the alien is an unauthorized alien (as defined in subsection (g)) with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(5) USE OF STATE EMPLOYMENT AGENCY DOCUMENTATION.—For purposes of paragraphs (1)(B) and (3), a person or entity shall be deemed to have complied with the requirements of subsection (b) with respect to the hiring of an individual who was referred for such employment by a State employment agency (as defined by the Attorney General), if the person or entity has and retains (for the period and in the manner described in subsection (b)(3)) appropriate documentation of such referral by that agency, which documentation certifies that the agency has complied with the procedures specified in subsection (b) with respect to the individual's referral.

"(b) EMPLOYMENT VERIFICATION SYSTEM.—The requirements referred to in paragraphs (1)(B) and (3) of subsection (a) are, in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, the requirements specified in the following three paragraphs:

"(1) ATTESTATION AFTER EXAMINATION OF DOCUMENTATION.—

"(A) IN GENERAL.—The person or entity must attest, under penalty of perjury and on a form established or designated by the Attorney General by regulation, that he has verified that the individual is eligible to be employed (or recruited or referred for employment) in the United States by examining—

"(i) the individual's United States passport, or the individual's unexpired foreign passport if the foreign passport has an appropriate, unexpired endorsement of the Attorney General authorizing the individual's employment in the United States, or

"(ii) a document described in subparagraph (B) and a document described in subparagraph (C).

A person or entity has complied with the requirement of the preceding sentence with respect to examination of a document if the document reasonably appears on its face to be genuine. If an individual provides a document or combination of documents that reasonably appears on its face to be genuine and that is sufficient to meet the require-

ments of such sentence, nothing in this paragraph shall be construed as requiring the person or entity to solicit the production of any other document or as requiring the individual to produce such a document.

"(B) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION.—A document described in this subparagraph is the individual's—

"(i) social security account number card issued by the Social Security Administration,

"(ii) certificate of birth in the United States or United States consular report of birth, or

"(iii) in the case of an individual without a social security card or a certificate of birth in the United States or a United States consular report of birth, any other identification acceptable to the Attorney General.

"(C) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is the individual's—

"(i) alien documentation, identification, and telecommunication card, or similar fraud-resistant card issued by the Attorney General to aliens, or other identification issued by the Attorney General to aliens who establish eligibility for employment,

"(ii) driver's license or similar document issued for the purpose of identification by a State, if it contains a photograph of the individual or such other personal identifying information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this section, or

"(iii) in the case of individuals under 16 years of age or in a State which does not provide for issuance of an identification document (other than a driver's license) referred to in clause (ii), documentation of personal identity of such other type as the Attorney General finds, by regulation, provides a reliable means of identification.

"(2) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—The individual must attest, under penalty of perjury and on the form designated or established by the Attorney General for purposes of paragraph (1), that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Attorney General to be hired, recruited, or referred for such employment.

"(3) RETENTION OF VERIFICATION FORM.—After completion of such form in accordance with paragraphs (1) and (2), the person or entity must retain the form and make it available for inspection by officers of the Service or of the Department of Labor during such period as the Attorney General shall specify in regulations.

"(4) COPYING OF DOCUMENTATION PERMITTED.—Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain the copy, but only (except as otherwise permitted under law) for the purpose of complying with the requirements of this subsection.

"(5) TIME FOR COMPLIANCE.—A person or entity has complied with the requirements of this subsection, with respect to the hiring of an individual, if the requirements of this subsection are first met not later than noon of the day following the day on which the individual is first employed by that person or entity.

"(6) LIMITATION ON USE OF ATTESTATION FORM.—A form designated or established by the Attorney General under this subsection and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this section or section 1546 of title 18, United States Code.

"(c) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

"(d) PENALTIES.—

"(1) CIVIL MONEY PENALTY FOR UNLAWFUL EMPLOYMENT, RECRUITING, OR REFERRAL.—

"(A) IN GENERAL.—In the case of a person or entity which is determined (after notice and opportunity for an administrative hearing under paragraph (4)(A)) to have violated paragraph (1)(A) or (2) of subsection (a) and which—

"(i) has not previously been determined (after opportunity for a hearing under paragraph (4)(A)) to have violated either such paragraph, the person or entity shall be subject to a civil penalty of not less than $1,000, and not more than $2,000, for each unauthorized alien with respect to whom the violation occurred, or

"(ii) has previously been determined (after opportunity for a hearing under paragraph (4)(A)) to have violated either such paragraph, the person or entity shall be subject to a civil penalty of not less than $2,000, and not more than $5,000, for each unauthorized alien with respect to whom the violation occurred.

In determining the level of civil penalty that is applicable under this subparagraph for violations of paragraph (1)(A) or (2) of subsection (a), determinations of more than one violation in the course of a single proceeding or adjudication shall be counted as a single determination.

"(B) CRIMINAL PENALTY FOR PATTERN OR PRACTICE VIOLATIONS.—In the case of a person or entity which has engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the person or entity shall be fined not more than $1,000, imprisoned not more than six months, or both, for each violation.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—Whenever the Attorney General has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the person or entity, as the Attorney General deems necessary.

"(3) CIVIL MONEY PENALTY FOR PAPERWORK VIOLATIONS.—A person or entity which is determined (after notice and opportunity for an administrative hearing under paragraph (4)(A)) to have violated subsection (a)(1)(B) shall be subject to a civil penalty of not less than $250 and not more than $1,000 for each individual with respect to whom such violation occurred. In determining the amount of the penalty, due consideration shall be given to the size of the business of the employer being charged, the good faith of the employer, the seriousness of the violation, and the history of previous violations.

"(4) ADMINISTRATIVE PROCESS.—

"(A) HEARING.—

"(i) IN GENERAL.—Before assessing a civil penalty against a person or entity under this subsection for a violation of subsection (a), the Attorney General shall provide the person or entity with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Attorney General) of the date of the notice, a hearing respecting the violation.

"(ii) CONDUCT OF HEARING.—Any hearing so requested shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. The hearing shall be held at the nearest practicable place to the place where the person or entity resides or of the place where the alleged violation occurred. If no hearing is so requested, the assessment shall constitute a final and unappealable order.

"(iii) JUDICIAL REVIEW.—A person or entity (including the Attorney General) adversely affected by a final order respecting an assessment may, within 60 days after the date the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.

"(B) COLLECTION OF CIVIL PENALTIES.—If the person or entity against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in such order, the Attorney General shall file a suit to collect the amount in the appropriate district court of the United States.

"(5) TREATMENT OF DISTINCT ENTITIES.—In applying this subsection in the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referral for employment, without reference to the practices of, and not under the control of or common control with, another subdivision, each such subdivision shall be considered a separate person or entity.

"(e) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for a person or other entity, in the hiring, recruiting, or referring for employment of any individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) CIVIL PENALTY.—Any person or entity which is determined, after notice and opportunity for an administrative hearing, to have violated paragraph (1) shall be subject to a civil penalty of $1,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

"(f) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) authorized to be employed in the United States, the Attorney General shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) PREEMPTION.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

"(g) DEFINITION OF UNAUTHORIZED ALIEN.—As used in this section, the term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either (1)

an alien lawfully admitted for permanent residence, or (2) authorized to be so employed by this Act or by the Attorney General.".

(2) Except as provided in paragraphs (3), (4), and (5), the amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, but shall not apply to the hiring, recruiting, or referring of individuals occurring after the end of the 6-year period beginning on the first day of the seventh month that begins after the date of the enactment of this Act.

(3) During the six-month period beginning on the first day of the first month after the date of the enactment of this Act—

(A) the Attorney General, in cooperation with the Secretaries of Agriculture, Commerce, Health and Human Services, Labor, and the Treasury and the Administrator of the Small Business Administration, shall disseminate forms and information to employers, employment agencies, and organizations representing employees and provide for public education respecting the requirements of section 274A of the Immigration and Nationality Act, and

(B) the Attorney General shall not conduct any proceeding, nor impose any penalty, under such section on the basis of any violation alleged to have occurred during the period.

(4) In the case of a person or entity, in the first instance in which the Attorney General has reason to believe that the person or entity may have violated subsection (a) of section 274A of the Immigration and Nationality Act during the subsequent 12-month period, the Attorney General shall provide a citation to the person or entity indicating that such a violation or violations may have occurred and shall not conduct any proceeding, nor impose any penalty, under such section on the basis of such alleged violation or violations.

(5)(A) Except as provided in subparagraph (B), before the end of the application period (as defined in subparagraph (C)(i)), the Attorney General shall not conduct any proceeding, nor impose any penalty, under section 274A of the Immigration and Nationality Act on the basis of any violation alleged to have occurred with respect to employment of an individual in seasonal agricultural services.

(B)(i) During the application period, it is unlawful for a person or entity (including a farm labor contractor) or an agent of such a person or entity, to recruit an unauthorized alien (other than an alien described in clause (ii)) who is outside the United States to enter the United States to perform seasonal agricultural services.

(ii) Clause (i) shall not apply to an alien who the person or entity reasonably believes meets the requirements of section 210(a)(2) of the Immigration and Nationality Act (relating to performance of seasonal agricultural services).

(iii) A person, entity, or agent that violates clause (i) shall be deemed to be subject to a penalty under section 274A(d) of the Immigration and Nationality Act in the same manner as if it had violated section 274A(a)(1)(A) of such Act, without regard to paragraph (4) of this subsection.

(C) In this paragraph:

(i) The term "application period" means the period described in section 210(a)(1) of the Immigration and Nationality Act (as added by section 302(a) of this Act).

(ii) The term "seasonal agricultural services" has the meaning given such term in section 210(g) of the Immigration and Nationality Act (as added by section 302(a) of this Act).

(iii) The term "unauthorized alien" has the meaning given such term in section 274A(g) of the Immigration and Nationality Act.

(6) The Attorney General shall, not later than the first day of the seventh month beginning after the date of the enactment of this Act, first issue, on an interim or other basis, such regulations as may be necessary in order to implement section 274A of the Immigration and Nationality Act.

(b) UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.—(1) Chapter 8 of title II is further amended by inserting after section 274A, as inserted by subsection (a)(1), the following new section:

"UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

"SEC. 274B. (a) PROHIBITION OF DISCRIMINATION BASED ON NATIONAL ORIGIN OR CITIZENSHIP STATUS.—

"(1) GENERAL RULE.—It is an unfair immigration-related employment practice for a person or other entity to discriminate against any individual (other than an unauthorized alien) with respect to the hiring, or recruitment or referral for a fee, of the individual for employment or the discharging of the individual from employment—

"(A) because of such individual's national origin, or

"(B) in the case of a citizen or intending citizen (as defined in paragraph (3)), because of such individual's citizenship status.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

"(A) a person or other entity that employs three or fewer employees,

"(B) a person's or entity's discrimination because of an individual's national origin if the discrimination with respect to that person or entity and that individual is covered under section 703 of the Civil Rights Act of 1964,

"(C) discrimination because of citizenship status which is otherwise required in order to comply with law, regulation, or executive order, or required by Federal, State, or local government contract, or which the Attorney General determines to be essential for an employer to do business with an agency or department of the Federal, State, or local government, or

"(D) discrimination against an individual on the basis of the individual's English language skill in those certain instances where the English language skill is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

"(3) DEFINITION OF CITIZEN OR INTENDING CITIZEN.—As used in paragraph (1), the term 'citizen or intending citizen' means an individual who—

"(A) is a citizen or national of the United States, or

"(B) is an alien who—

"(i) is lawfully admitted for permanent residence, is granted the status of an alien lawfully admitted for temporary residence under section 245A(a)(1), is admitted as a refugee under section 207, or is granted asylum under section 208, and

"(ii) evidences an intention to become a citizen of the United States through completing a declaration of intention to become a citizen;

but does not include (I) an alien who fails to apply for naturalization within six months of the date the alien first becomes eligible (by virtue of period of lawful permanent residence) to apply for naturalization or, if later, within six months after the date of the enactment of this section and (II) an alien who has applied on a timely basis, but has not been naturalized as a citizen within 2 years after the date of the application, unless the alien can establish that the alien is actively pursuing naturalization, except that time consumed in the Service's processing the application shall not be counted toward the 2-year period.

"(b) CHARGES OF VIOLATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any person alleging that the person is adversely affected directly by an unfair immigration-related employment practice (or a person on that person's behalf) or an officer of the Service alleging that an unfair immigration-related employment practice has occurred or is occurring may file a charge respecting such practice or violation with the Special Counsel (appointed under subsection (c)). Charges shall be in writing under oath or affirmation and shall contain such information as the Attorney General requires. The Special Counsel by certified mail shall serve a notice of the charge (including the date, place, and circumstances of the alleged unfair immigration-related employment practice) on the person or entity involved within 10 days.

"(2) NO OVERLAP WITH EEOC COMPLAINTS.—No charge may be filed respecting an unfair immigration-related employment practice described in subsection (a)(1)(A) if a charge with respect to that practice based on the same set of facts has been filed with the Equal Employment Opportunity Commission under title VII of the Civil Rights Act of 1964, unless the charge is dismissed as being outside the scope of such title. No charge respecting an employment practice may be filed with the Equal Employment Opportunity Commission under such title if a charge with respect to such practice based on the same set of facts has been filed under this subsection, unless the charge is dismissed under this section as being outside the scope of this section.

"(c) SPECIAL COUNSEL.—

"(1) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, a Special Counsel for Immigration-Related Unfair Employment Practices (hereinafter in this section referred to as the 'Special Counsel') within the Department of Justice to serve for a term of four years. In the case of a vacancy in the office of the Special Counsel the President may designate the officer or employee who shall act as Special Counsel during such vacancy.

"(2) DUTIES.—The Special Counsel shall be responsible for investigation of charges and issuance of complaints under this section and in respect of the prosecution of all such complaints before administrative law judges and the exercise of certain functions under subsection (i)(1).

"(3) COMPENSATION.—The Special Counsel is entitled to receive compensation at a rate not to exceed the rate now or hereafter provided for grade GS-17 of the General Schedule, under section 5332 of title 5, United States Code.

"(4) REGIONAL OFFICES.—The Special Counsel, in accordance with regulations of the Attorney General, shall establish such regional offices as may be necessary to carry out his duties.

"(d) INVESTIGATION OF CHARGES.—

"(1) BY SPECIAL COUNSEL.—The Special Counsel shall investigate each charge received and, within 120 days of the date of the receipt of the charge, determine whether or not there is reasonable cause to believe

that the charge is true and whether or not to bring a complaint with respect to the charge before an administrative law judge. The Special Counsel may, on his own initiative, conduct investigations respecting unfair immigration-related employment practices and, based on such an investigation and subject to paragraph (3), file a complaint before such a judge.

"(2) PRIVATE ACTIONS.—If the Special Counsel, after receiving such a charge respecting an unfair immigration-related employment practice which alleges knowing and intentional discriminatory activity or a pattern or practice of discriminatory activity, has not filed a complaint before an administrative law judge with respect to such charge within such 120-day period, the person making the charge may (subject to paragraph (3)) file a complaint directly before such a judge.

"(3) TIME LIMITATIONS ON COMPLAINTS.—No complaint may be filed respecting any unfair immigration-related employment practice occurring more than 180 days prior to the date of the filing of the charge with the Special Counsel. This subparagraph shall not prevent the subsequent amending of a charge or complaint under subsection (e)(1).

"(e) HEARINGS.—

"(1) NOTICE.—Whenever a complaint is made that a person or entity has engaged in or is engaging in any such unfair immigration-related employment practice, an administrative law judge shall have power to issue and cause to be served upon such person or entity a copy of the complaint and a notice of hearing before the judge at a place therein fixed, not less than five days after the serving of the complaint. Any such complaint may be amended by the judge conducting the hearing, upon the motion of the party filing the complaint, in the judge's discretion at any time prior to the issuance of an order based thereon. The person or entity so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint.

"(2) JUDGES HEARING CASES.—Hearings on complaints under this subsection shall be considered before administrative law judges who are specially designated by the Attorney General as having special training respecting employment discrimination and, to the extent practicable, before such judges who only consider cases under this section.

"(3) COMPLAINANT AS PARTY.—Any person filing a charge with the Special Counsel respecting an unfair immigration-related employment practice shall be considered a party to any complaint before an administrative law judge respecting such practice and any subsequent appeal respecting that complaint. In the discretion of the judge conducting the hearing, any other person may be allowed to intervene in the said proceeding and to present testimony.

"(f) TESTIMONY AND AUTHORITY OF HEARING OFFICERS.—

"(1) TESTIMONY.—The testimony taken by the administrative law judge shall be reduced to writing. Thereafter, the judge, in his discretion, upon notice may provide for the taking of further testimony or hear argument.

"(2) AUTHORITY OF ADMINISTRATIVE LAW JUDGES.—In conducting investigations and hearings under this subsection and in accordance with regulations of the Attorney General, the Special Counsel and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated. The administrative law judges by subpoena may compel the attendance of witnesses and the production of evidence at any designated place or hearing. In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the administrative law judge, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

"(g) DETERMINATIONS.—

"(1) ORDER.—The administrative law judge shall issue and cause to be served on the parties to the proceeding an order, which shall be final unless appealed as provided under subsection (i).

"(2) ORDERS FINDING VIOLATIONS.—

"(A) IN GENERAL.—If, upon the preponderance of the evidence, an administrative law judge determines that any person or entity named in the complaint has engaged in or is engaging in any such unfair immigration-related employment practice, then the judge shall state his findings of fact and shall issue and cause to be served on such person or entity an order which requires such person or entity to cease and desist from such unfair immigration-related employment practice.

"(B) CONTENTS OF ORDER.—Such an order also may require the person or entity—

"(i) to comply with the requirements of section 274A(b) with respect to individuals hired (or recruited or referred for employment for a fee) during a period of up to three years;

"(ii) to retain for the period referred to in clause (i) and only for purposes consistent with section 274A(b)(6), the name and address of each individual who applies, in person or in writing, for hiring for an existing position, or for recruiting or referring for a fee, for employment in the United States;

"(iii) to hire individuals directly and adversely affected, with or without back pay; and

"(iv)(I) except as provided in subclause (II), to pay a civil penalty of not more than $1,000 for each individual discriminated against, and

"(II) in the case of a person or entity previously subject to such an order, to pay a civil penalty of not more than $2,000 for each individual discriminated against.

"(C) LIMITATION ON BACK PAY REMEDY.—In providing a remedy under subparagraph (B)(iii), back pay liability shall not accrue from a date more than two years prior to the date of the filing of a charge with an administrative law judge. Interim earnings or amounts earnable with reasonable diligence by the individual or individuals discriminated against shall operate to reduce the back pay otherwise allowable under such paragraph. No order shall require the hiring of an individual as an employee or the payment to an individual of any back pay, if the individual was refused employment for any reason other than discrimination on account of national origin or citizenship status.

"(D) TREATMENT OF DISTINCT ENTITIES.—In applying this subsection in the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referring for employment, without reference to the practices of, and not under the control of or common control with, another subdivision, each such subdivision shall be considered a separate person or entity.

"(3) ORDERS NOT FINDING VIOLATIONS.—If upon the preponderance of the evidence an administrative law judge determines that the person or entity named in the complaint has not engaged or is not engaging in any such unfair immigration-related employment practice, then the judge shall state his findings of fact and shall issue an order dismissing the complaint.

"(h) AWARDING OF ATTORNEYS' FEES.—In any complaint respecting an unfair immigration-related employment practice, an administrative law judge, in the judge's discretion, may allow a prevailing party, other than the United States, a reasonable attorney's fee.

"(i) REVIEW OF FINAL ORDERS.—

"(1) IN GENERAL.—Not later than 60 days after the entry of such final order, any person aggrieved by such final order may seek a review of such order in the United States court of appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business.

"(2) FURTHER REVIEW.—Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

"(j) COURT ENFORCEMENT OF ADMINISTRATIVE ORDERS.—

"(1) IN GENERAL.—If an order of the agency is not appealed under subsection (i)(1), the Special Counsel (or, if the Special Counsel fails to act, the person filing the charge) may petition the United States district court for the district in which a violation of the order is alleged to have occurred, or in which the respondent resides or transacts business, for the enforcement of the order of the administrative law judge, by filing in such court a written petition praying that such order be enforced.

"(2) COURT ENFORCEMENT ORDER.—Upon the filing of such petition, the court shall have jurisdiction to make and enter a decree enforcing the order of the administrative law judge. In such a proceeding, the order of the administrative law judge shall not be subject to review.

"(3) ENFORCEMENT DECREE IN ORIGINAL REVIEW.—If, upon appeal of an order under subsection (i)(1), the United States court of appeals does not reverse such order, such court shall have the jurisdiction to make and enter a decree enforcing the order of the administrative law judge.

"(4) AWARDING OF ATTORNEY'S FEES.—In any judicial proceeding under subsection (i) or this subsection, the court, in its discretion, may allow a prevailing party, other than the United States, a reasonable attorney's fee as part of costs.".

(2) The amendment made by paragraph (1) shall not apply to discrimination in hiring, recruiting, or referring of individuals occurring after the end of the 6-year period beginning on the first day of the seventh month that begins after the date of the enactment of this Act.

(c) CONFORMING AMENDMENTS TO MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.—(1) The Migrant and Seasonal Agricultural Worker Protection Act (Public Law 97-470) is amended—

(A) by striking out "101(a)(15)(H)(ii)" in paragraphs (8)(B) and (10)(B) of section 3

(29 U.S.C. 1802) and inserting in lieu thereof "101(a)(15)(H)(ii)(a)";

(B) in section 103(a) (29 U.S.C. 1813(a))—

(i) by striking out "or" at the end of paragraph (4),

(ii) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or", and

(iii) by adding at the end the following new paragraph:

"(6) has been found to have violated paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act.";

(C) by striking out section 106 (29 U.S.C. 1816) and the corresponding item in the table of contents; and

(D) by striking out "section 106" in section 501(b) (29 U.S.C. 1851(b)) and by inserting in lieu thereof "paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act".

(2) The amendments made by paragraph (1) shall apply to the employment, recruitment, referral, or utilization of the services of an individual occurring on or after the first day of the seventh month beginning after the date of the enactment of this Act and before the end of the 6-year period beginning on the first day of such month.

(d) NO EFFECT ON EEOC AUTHORITY.—Except as may be specifically provided in this section, nothing in this section shall be construed to restrict the authority of the Equal Employment Opportunity Commission to investigate allegations, in writing and under oath or affirmation, of unlawful employment practices, as provided in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5), or any other authority provided therein.

(e) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 274 the following new items:

"Sec. 274A. Unlawful employment of aliens.

"Sec. 274B. Unfair immigration-related employment practices.".

(f) STUDY ON THE USE OF A TELEPHONE VERIFICATION SYSTEM FOR DETERMINING EMPLOYMENT ELIGIBILITY OF ALIENS.—(1) The Attorney General, in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall conduct a study for use by the Department of Justice in determining employment eligibility of aliens in the United States. Such study shall concentrate on those data bases that are currently available to the Federal Government which through the use of a telephone and computation capability could be used to verify instantly the employment eligibility status of job applicants who are aliens.

(2) Such study shall be conducted in conjunction with any existing Federal program which is designed for the purpose of providing information on the resident or employment status of aliens for employers. The study shall include an analysis of costs and benefits which shows the differences in costs and efficiency of having the Federal Government or a contractor perform this service. Such comparisons should include reference to such technical capabilities as processing techniques and time, verification techniques and time, back up safeguards, and audit trail performance.

(3) Such study shall also concentrate on methods of phone verification which demonstrate the best safety and service standards, the least burden for the employer, the best capability for effective enforcement, and procedures which are within the boundaries of the Privacy Act of 1974.

(4) Such study shall be conducted within twelve months of the date of enactment of this Act.

(5) The Attorney General shall prepare and transmit to the Congress a report—

(A) not later than six months after the date of enactment of this Act, describing the status of such study; and

(B) not later than twelve months after such date, setting forth the findings of such study.

SEC. 102. FRAUD AND MISUSE OF CERTAIN IMMIGRATION-RELATED DOCUMENTS.

(a) APPLICATION TO ADDITIONAL DOCUMENTS.—Section 1546 of title 18, United States Code, is amended—

(1) by amending the heading to read as follows:

"§ 1546. Fraud and misuse of visas, permits, and other documents";

(2) by striking out "or other document required for entry into the United States" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States";

(3) by striking out "or document" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States";

(4) by striking out "$2,000" and inserting in lieu thereof "$5,000";

(5) by inserting "(a)" before "Whoever" the first place it appears; and

(6) by adding at the end the following new subsections:

"(b) Whoever uses—

"(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor,

"(2) an identification document knowing (or having reason to know) that the document is false, or

"(3) a false attestation,

for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act, shall be fined not more than $5,000, or imprisoned not more than two years, or both.

"(c) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481).".

(b) CONFORMING AMENDMENT TO TABLE OF SECTIONS.—The item relating to section 1546 in the table of sections of chapter 75 of such title is amended to read as follows:

"1546. Fraud and misuse of visas, permits, and other documents.".

PART B—IMPROVEMENT OF ENFORCEMENT AND SERVICES

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR ENFORCEMENT AND SERVICE ACTIVITIES OF THE IMMIGRATION AND NATURALIZATION SERVICE.

(a) TWO ESSENTIAL ELEMENTS.—Two essential elements of the program of immigration control and reform established by this Act are—

(1) an increase in the border patrol and other enforcement activities of the Immigration and Naturalization Service and of other appropriate Federal agencies in order to prevent and deter the illegal entry of aliens into the United States, and

(2) an increase in examinations and other service activities of the Immigration and Naturalization Service and other appropriate Federal agencies in order to ensure prompt and efficient adjudication of petitions and applications provided for under the Immigration and Nationality Act.

(b) INCREASED AUTHORIZATION OF APPROPRIATIONS FOR INS AND EOIR.—In addition to any other amounts authorized to be appropriated, in order to carry out this Act there are authorized to be appropriated to the Department of Justice—

(1) for the Immigration and Naturalization Service, for fiscal year 1986, $422,000,000, and for fiscal year 1987, $419,000,000; and

(2) for the Executive Office of Immigration Review, for fiscal year 1986, $12,000,000, and for fiscal year 1987, $15,000,000.

(c) USE OF FUNDS FOR IMPROVED SERVICES.—Of the funds appropriated to the Department of Justice for the Immigration and Naturalization Service, the Attorney General shall provide for improved immigration and naturalization services and for enhanced community outreach and in-service training of personnel of the Service. Such enhanced community outreach shall include the establishment of appropriate local community taskforces to improve the working relationship between the Service and local community groups and organizations (including employers and organizations representing minorities).

(d) PROGRAM OF IN-SERVICE TRAINING.—Section 103 (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

"(c) IN-SERVICE TRAINING PROGRAM.—(1) The Attorney General shall provide for such programs of in-service training for full-time and part-time personnel of the Service in contact with the public as will familiarize the personnel with the rights and varied cultural backgrounds of aliens and citizens in order to ensure and safeguard the constitutional and civil rights, personal safety, and human dignity of all individuals, aliens as well as citizens, within the jurisdiction of the United States with whom they have contact in their work.

"(2) The Attorney General shall provide that the annual report of the Service includes a description of steps taken to carry out paragraph (1).".

(e) ENHANCEMENT OF COMMUNITY OUTREACH WITHIN THE IMMIGRATION AND NATURALIZATION SERVICE.—Section 103 (8 U.S.C. 1103), as amended by subsection (d), is further amended by adding at the end the following new subsection:

"(d) COMMUNITY OUTREACH PROGRAM.—(1) The Attorney General shall enhance the responsibilities of the community outreach program within the Service so that such program, acting in cooperation with the community relations service of the Department of Justice, has personnel located at the district level—

"(A) to assist in the provision of services, particularly naturalization services;

"(B) to provide outreach to deal generally with community problems with the Service arising at the district level; and

"(C) to receive and investigate complaints of abuse of authority by personnel of the Service and to transmit findings thereon to appropriate authorities for disposition or resolution.

In providing for the functions described in subparagraph (A), the Attorney General may secure the assistance and services of voluntary and community agencies.

"(2) The Attorney General shall provide that the annual report of the Service includes details concerning the progress of the Service's community outreach program in carrying out the responsibilities described in paragraph (1).".

(f) DATA PROCESSING REQUIREMENTS OF THE INS.—(1) The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate, and to any other appropriate committees of the Congress, not later than six months after the date of the enactment of this Act, on the results of a comprehensive analysis of the data processing requirements of the Immigration and Naturalization Service. The report shall include—

(A) an assessment of the data processing needs of the Service, and

(B) an analysis of the alternatives considered to meet those requirements, including the use of regional centers and other available resources of the Department of Justice.

(2) The Attorney General shall provide that any automatic data processing equipment, facilities, and software of the Immigration and Naturalization Service are acquired consistent with the provisions of section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759). No such equipment, facilities, or software may be ordered, acquired, or installed without the prior review and approval of the Administrator of General Services. The Administrator shall notify Congress in writing of all such approvals, together with any limitations or conditions thereon, or modifications thereto.

(3) Effective November 18, 1985, neither the Attorney General nor the Immigration and Naturalization Service may order, acquire, or install any new data processing equipment, facilities, or software for the use of the Service under the existing contract known as Acquisition II until 45 days after the date that Congress receives written notification under paragraph (2) of the approval, by the Administrator of General Services, of the order, acquisition, or installation.

SEC. 112. UNLAWFUL TRANSPORTATION OF ALIENS TO THE UNITED STATES.

Subsection (a) of section 274 (8 U.S.C. 1324) is amended to read as follows:

"(a) CRIMINAL PENALTIES.—(1) Any person who—

"(A) knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;

"(B) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law; or

"(C) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation,

shall be fined not more than $10,000, imprisoned not more than five years, or both, for each alien in respect to whom any violation of this paragraph occurs.

"(2) Any person who, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien shall, for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved—

"(A) be fined not more than $5,000, or imprisoned not more than one year, or both; or

"(B) in the case of—

"(i) a second or subsequent offense,

"(ii) an offense done for the purpose of commercial advantage or private financial gain, or

"(iii) an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration officer at a designated port of entry,

be fined not more than $10,000, or imprisoned not more than five years, or both.".

SEC. 113. TREATMENT OF IMMIGRATION EMERGENCIES.

(a) IMMIGRATION CONTINGENCY PLAN.—Section 103 (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

"(c) The Attorney General shall develop, and may from time to time modify, a contingency plan to provide for the allocation and management of personnel and resources in the event of an immigration emergency. In developing such a plan, the Attorney General shall consult with the Judiciary Committees of the House of Representatives and of the Senate and with State and local governments.".

(b) IMMIGRATION EMERGENCY FUND.—Section 404 (8 U.S.C. 1101 note) is amended by inserting "(a)" after "SEC. 404." and by adding at the end the following new subsection:

"(b) There are authorized to be appropriated to an immigration emergency fund, to be established in the Treasury, $35,000,000, to be used in accordance with the immigration contingency plan developed under section 103(c) to provide for an increase in border patrol or other enforcement activities of the Service and for reimbursement of State and localities in providing assistance as requested by the Attorney General in meeting an immigration emergency, except that no amounts may be withdrawn from such funds with respect to an emergency unless the President has determined that the immigration emergency exists and has certified such fact to the Judiciary Committees of the House of Representatives and of the Senate.".

SEC. 114. LIABILITY OF OWNERS AND OPERATORS OF INTERNATIONAL BRIDGES AND TOLL ROADS TO PREVENT THE UNAUTHORIZED LANDING OF ALIENS.

Section 271 (8 U.S.C. 1321) is amended by inserting at the end the following new subsection:

"(c)(1) Any owner or operator of a railroad line, international bridge, or toll road who establishes to the satisfaction of the Attorney General that the person has acted diligently and reasonably to fulfill the duty imposed by subsection (a) shall not be liable for the penalty described in such subsection, notwithstanding the failure of the person to prevent the unauthorized landing of any alien.

"(2)(A) At the request of any person described in paragraph (1), the Attorney General shall inspect any facility established, or any method utilized, at a point of entry into the United States by such person for the purpose of complying with subsection (a). The Attorney General shall approve any such facility or method (for such period of time as the Attorney General may prescribe) which the Attorney General determines is satisfactory for such purpose.

"(B) Proof that any person described in paragraph (1) has diligently maintained any facility, or utilized any method, which has been approved by the Attorney General under subparagraph (A) (within the period for which the approval is effective) shall be prima facie evidence that such person acted diligently and reasonably to fulfill the duty imposed by subsection (a) (within the meaning of paragraph (1) of this subsection).".

SEC. 115. ENFORCEMENT OF THE IMMIGRATION LAWS OF THE UNITED STATES.

It is the sense of the Congress that—

(1) the immigration laws of the United States should be enforced vigorously and uniformly, and

(2) in the enforcement of such laws, the Attorney General shall take due and deliberate actions necessary to safeguard the constitutional rights, personal safety, and human dignity of United States citizens and aliens.

PART C—VERIFICATION OF STATUS UNDER CERTAIN PROGRAMS

SEC. 121. VERIFICATION OF IMMIGRATION STATUS OF ALIENS APPLYING FOR BENEFITS UNDER CERTAIN PROGRAMS.

(a) REQUIRING IMMIGRATION STATUS VERIFICATION.—

(1) UNDER AFDC, MEDICAID, UNEMPLOYMENT COMPENSATION, AND FOOD STAMP PROGRAMS.—Section 1137 of the Social Security Act (42 U.S.C. 1320b-7) is amended—

(A) in the matter in subsection (a) before paragraph (1), by inserting "which meets the requirements of subsection (d) and" after "income and eligibility verification system",

(B) in subsection (b), by striking out "income verification system" in the matter preceding paragraph (1) and inserting in lieu thereof "income and eligibility verification system", and

(C) by adding at the end the following new subsections:

"(d) The requirements of this subsection, with respect to an income and eligibility verification system of a State, are as follows:

"(1)(A) The State shall require, as a condition of an individual's eligibility for benefits under any program listed in subsection (b), a declaration in writing by the individual (or, in the case of an individual who is a child, by another on the individual's behalf), under penalty of perjury, stating whether or not the individual is a citizen or national of the United States, and, if that individual is not a citizen or national of the United States, that the individual is in a satisfactory immigration status.

"(B) In this subsection—

"(i) in the case of the program described in subsection (b)(1), any reference to an individual's eligibility for benefits under the program shall be considered a reference to the individual's being considered a dependent child or to the individual's being treated as a caretaker relative or other person

whose needs are to be taken into account in making the determination under section 402(a)(7),

"(ii) in the case of the program described in subsection (b)(4)—

"(I) any reference to the State shall be considered a reference to the State agency, and

"(II) any reference to an individual's eligibility for benefits under the program shall be considered a reference to the individual's eligibility to participate in the program as a member of a household, and

"(III) the term 'satisfactory immigration status' means an immigration status which does not make the individual ineligible for benefits under the applicable program.

"(2) If such an individual is not a citizen or national of the United States, there must be presented either—

"(A) alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or

"(B) such other documents as the State determines constitutes reasonable evidence indicating a satisfactory immigration status.

"(3) If the documentation described in paragraph (2)(A) is presented, the State shall utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the individual's immigration status through an automated or other system (designated by the Service for use with States) that—

"(A) utilizes the individual's name, file number, admission number, or other means permitting efficient verification, and

"(B) protects the individual's privacy to the maximum degree possible.

"(4) In the case of such an individual who is not a citizen or national of the United States, if, at the time of application for benefits, the statement described in paragraph (1) is submitted but the documentation required under paragraph (2) is not presented or if the documentation required under paragraph (2)(A) is presented but such documentation is not verified under paragraph (3)—

"(A) the State—

"(i) shall provide a reasonable opportunity to submit to the State evidence indicating a satisfactory immigration status, and

"(ii) may not delay, deny, reduce, or terminate the individual's eligibility for benefits under the program on the basis of the individual's immigration status until such a reasonable opportunity has been provided; and

"(B) if there are submitted documents which the State determines constitutes reasonable evidence indicating such status—

"(i) the State shall transmit to the Immigration and Naturalization Service photostatic or other similar copies of such documents for official verification,

"(ii) pending such verification, the State may not delay, deny, reduce, or terminate the individual's eligibility for benefits under the program on the basis of the individual's immigration status, and

"(iii) the State shall not be liable for the consequences of any action, delay, or failure of the Service to conduct such verification.

"(5) If the State determines, after complying with the requirements of paragraph (4), that such an individual is not in a satisfactory immigration status under the applicable program—

"(A) the State shall deny or terminate the individual's eligibility for benefits under the program, and

"(B) the applicable fair hearing process shall be made available with respect to the individual.

"(e) Each Federal agency responsible for administration of a program described in subsection (b) shall not take any compliance, disallowance, penalty, or other regulatory action against a State with respect to any error in the State's determination to make an individual eligible for benefits based on citizenship or immigration status—

"(1) if the State has provided such eligibility based on a verification of satisfactory immigration status by the Immigration and Naturalization Service,

"(2) because the State, under subsection (d)(4)(A)(ii), was required to provide a reasonable opportunity to submit documentation,

"(3) because the State, under subsection (d)(4)(B)(ii), was required to wait for the response of the Immigration and Naturalization Service to the State's request for official verification of the immigration status of the individual, or

"(4) because of a fair hearing process described in subsection (d)(5)(B).".

(2) UNDER HOUSING ASSISTANCE PROGRAMS.—Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended by adding at the end the following new subsections:

"(d) The following conditions apply with respect to financial assistance being provided for the benefit of an individual:

"(1)(A) There must be a declaration in writing by the individual (or, in the case of an individual who is a child, by another on the individual's behalf), under penalty of perjury, stating whether or not the individual is a citizen or national of the United States, and, if that individual is not a citizen or national of the United States, that the individual is in a satisfactory immigration status.

"(B) In this subsection, the term 'satisfactory immigration status' means an immigration status which does not make the individual ineligible for financial assistance.

"(2) If such an individual is not a citizen or national of the United States, there must be presented either—

"(A) alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or

"(B) such other documents as the Secretary determines constitutes reasonable evidence indicating a satisfactory immigration status.

"(3) If the documentation described in paragraph (2)(A) is presented, the Secretary shall utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the individual's immigration status through an automated or other system (designated by the Service for use with States) that—

"(A) utilizes the individual's name, file number, admission number, or other means permitting efficient verification, and

"(B) protects the individual's privacy to the maximum degree possible.

"(4) In the case of such an individual who is not a citizen or national of the United States, if, at the time of application for financial assistance, the statement described in paragraph (1) is submitted but the documentation required under paragraph (2) is not presented or if the documentation required under paragraph (2)(A) is presented but such documentation is not verified under paragraph (3)—

"(A) the Secretary—

"(i) shall provide a reasonable opportunity to submit to the Secretary evidence indicating a satisfactory immigration status, and

"(ii) may not delay, deny, reduce, or terminate the individual's eligibility for financial assistance on the basis of the individual's immigration status until such a reasonable opportunity has been provided; and

"(B) if there are submitted documents which the Secretary determines constitutes reasonable evidence indicating such status—

"(i) the Secretary shall transmit to the Immigration and Naturalization Service photostatic or other similar copies of such documents for official verification,

"(ii) pending such verification, the Secretary may not delay, deny, reduce, or terminate the individual's eligibility for financial assistance on the basis of the individual's immigration status, and

"(iii) the Secretary shall not be liable for the consequences of any action, delay, or failure of the Service to conduct such verification.

"(5) If the Secretary determines, after complying with the requirements of paragraph (4), that such an individual is not in a satisfactory immigration status—

"(A) the Secretary shall deny or terminate the individual's eligibility for financial assistance, and

"(B) the applicable fair hearing process shall be made available with respect to the individual.

In this subsection and subsection (e), the term 'Secretary' refers to the Secretary and to a public housing authority or other entity which makes financial assistance available.

"(e) The Secretary shall not take any compliance, disallowance, penalty, or other regulatory action against an entity with respect to any error in the entity's determination to make an individual eligible for financial assistance based on citizenship or immigration status—

"(1) if the entity has provided such eligibility based on a verification of satisfactory immigration status by the Immigration and Naturalization Service,

"(2) because the entity, under subsection (d)(4)(A)(ii), was required to provide a reasonable opportunity to submit documentation,

"(3) because the entity, under subsection (d)(4)(B)(ii), was required to wait for the response of the Immigration and Naturalization Service to the entity's request for official verification of the immigration status of the individual, or

"(4) because of a fair hearing process described in subsection (d)(5)(B).".

(3) UNDER TITLE IV EDUCATIONAL ASSISTANCE.—Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091) is amended by adding at the end the following new subsections:

"(c) The following conditions apply with respect to an individual's receipt of any grant, loan, or work assistance under this title as a student at an institution of higher education:

"(1)(A) There must be a declaration in writing to the institution by the student, under penalty of perjury, stating whether or not the student is a citizen or national of the United States, and, if the student is not a citizen or national of the United States, that the individual is in a satisfactory immigration status.

"(B) In this subsection, the term 'satisfactory immigration status' means an immigration status which does not make the student ineligible for a grant, loan, or work assistance under this title.

"(2) If the student is not a citizen or national of the United States, there must be presented to the institution either—

"(A) alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or

"(B) such other documents as the institution determines (in accordance with guidelines of the Secretary) constitutes reasonable evidence indicating a satisfactory immigration status.

"(3) If the documentation described in paragraph (2)(A) is presented, the institution shall utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the individual's immigration status through an automated or other system (designated by the Service for use with institutions) that—

"(A) utilizes the individual's name, file number, admission number, or other means permitting efficient verification, and

"(B) protects the individual's privacy to the maximum degree possible.

"(4) In the case of such an individual who is not a citizen or national of the United States, if the statement described in paragraph (1) is submitted but the documentation required under paragraph (2) is not presented or if the documentation required under paragraph (2)(A) is presented but such documentation is not verified under paragraph (3)—

"(A) the institution—

"(i) shall provide a reasonable opportunity to submit to the institution evidence indicating a satisfactory immigration status, and

"(ii) may not delay, deny, reduce, or terminate the individual's eligibility for the grant, loan, or work assistance on the basis of the individual's immigration status until such a reasonable opportunity has been provided; and

"(B) if there are submitted documents which the institution determines constitutes reasonable evidence indicating such status—

"(i) the institution shall transmit to the Immigration and Naturalization Service photostatic or other similar copies of such documents for official verification,

"(ii) pending such verification, the institution may not delay, deny, reduce, or terminate the individual's eligibility for the grant, loan, or work assistance on the basis of the individual's immigration status, and

"(iii) the institution shall not be liable for the consequences of any action, delay, or failure of the Service to conduct such verification.

"(5) If the institution determines, after complying with the requirements of paragraph (4), that such an individual is not in a satisfactory immigration status—

"(A) the institution shall deny or terminate the individual's eligibility for such grant, loan, or work assistance, and

"(B) the fair hearing process (which includes, at a minimum, the requirements of paragraph (6)) shall be made available with respect to the individual.

"(6) The minimal requirements of this paragraph for a fair hearing process are as follows:

"(A) The institution provides the individual concerned with written notice of the determination described in paragraph (5) and of the opportunity for a hearing respecting the determination.

"(B) Upon timely request by the individual, the institution provides a hearing before an official of the institution at which the individual can produce evidence of a satisfactory immigration status.

"(C) Not later than 45 days after the date of an individual's request for a hearing, the official will notify the individual in writing of the official's decision on the appeal of the determination.

"(d) The Secretary shall not take any compliance, disallowance, penalty, or other regulatory action against an institution of higher education with respect to any error in the institution's determination to make a student eligible for a grant, loan, or work assistance based on citizenship or immigration status—

"(1) if the institution has provided such eligibility based on a verification of satisfactory immigration status by the Immigration and Naturalization Service,

"(2) because the institution, under subsection (c)(4)(A)(ii), was required to provide a reasonable opportunity to submit documentation,

"(3) because the institution, under subsection (c)(4)(B)(ii), was required to wait for the response of the Immigration and Naturalization Service to the institution's request for official verification of the immigration status of the student, or

"(4) because of a fair hearing process described in subsection (c)(5)(B).

"(e) Notwithstanding subsection (c), if—

"(1) a guaranty is made under this title for a loan made with respect to an individual,

"(2) at the time the guaranty is entered into, the provisions of subsection (c) had been complied with,

"(3) amounts are paid under the loan subject to such guaranty, and

"(4) there is a subsequent determination that, because of an unsatisfactory immigration status, the individual is not eligible for the loan,

the official of the institution making the determination shall notify and instruct the entity making the loan to cease further payments under the loan, but such guaranty shall not be voided or otherwise nullified with respect to such payments made before the date the entity receives the notice.".

(b) PROVIDING 100 PERCENT REIMBURSEMENT FOR COSTS OF IMPLEMENTATION AND OPERATION.—

(1) UNDER AFDC PROGRAM.—Section 403(a)(3) of the Social Security Act is amended by inserting before subparagraph (B) the following new subparagraph:

"(A) 100 percent of so much of such expenditures as are for the costs of the implementation and operation of the immigration status verification system described in section 1137(d),".

(2) UNDER MEDICAID PROGRAM.—Section 1903(a) of such Act is amended by inserting after paragraph (3) the following new paragraph:

"(4) an amount equal to 100 percent of the sums expended during the quarter which are attributable to the costs of the implementation and operation of the immigration status verification system described in section 1137(d); plus".

(3) UNDER UNEMPLOYMENT COMPENSATION PROGRAM.—The first sentence of section 302(a) of such Act is amended by inserting before the period at the end the following: ", including 100 percent of so much of the reasonable expenditures of the State as are attributable to the costs of the implementation and operation of the immigration status verification system described in section 1137(d)".

(4) UNDER CERTAIN TERRITORIAL ASSISTANCE PROGRAMS.—Sections 3(a)(4), 1003(a)(3), 1403(a)(3), and 1603(a)(4) of the Social Security Act (as in effect without regard to section 301 of the Social Security Amendments of 1972) are each amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) 100 percent of so much of such expenditures as are for the costs of the implementation and operation of the immigration status verification system described in section 1137(d); plus".

(5) UNDER THE FOOD STAMP PROGRAM.—Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by adding at the end the following new subsection:

"(h) The Secretary is authorized to pay to each State agency an amount equal to 100 per centum of the costs incurred by the State agency in implementing and operating the immigration status verification system described in section 1137(d) of the Social Security Act.".

(6) UNDER HOUSING ASSISTANCE PROGRAMS.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

"PAYMENT FOR IMPLEMENTATION OF IMMIGRATION STATUS VERIFICATION SYSTEM

"SEC. 20. The Secretary is authorized to pay to each public housing authority an amount equal to 100 percent of the costs incurred by the authority in implementing and operating the immigration status verification system under section 214(c) of the Housing and Community Development Act of 1980 with respect to financial assistance made available pursuant to this Act.".

(7) UNDER TITLE IV EDUCATIONAL ASSISTANCE.—Section 489(a) of the Higher Education Act of 1965 (20 U.S.C. 1096) is amended by adding at the end the following: "In addition, the Secretary shall provide for payment to each institution of higher education an amount equal to 100 percent of the costs incurred by the institution in implementing and operating the immigration status verification system under section 484(c).".

(c) EFFECTIVE DATES.—

(1) IMMIGRATION AND NATURALIZATION SERVICE ESTABLISHING VERIFICATION SYSTEM BY OCTOBER 1, 1987.—The Commissioner of Immigration and Naturalization shall implement a system for the verification of immigration status under paragraphs (3) and (4)(B)(i) of section 1137(d) of the Social Security Act (as amended by this section) so that the system is available to all the States by not later than October 1, 1987. Such system shall not be used by the Immigration and Naturalization Service for administrative (non-criminal) immigration enforcement purposes and shall be implemented in a manner that provides for verification of immigration status without regard to the sex, color, race, religion, or nationality of the individual involved.

(2) HIGHER MATCHING EFFECTIVE IN FISCAL YEAR 1988.—The amendments made by subsection (b) take effect on October 1, 1987.

(3) USE OF VERIFICATION SYSTEM REQUIRED IN FISCAL YEAR 1989.—Except as provided in paragraph (4), the amendments made by subsection (a) take effect on October 1, 1988. States have until that date to begin

complying with the requirements imposed by those amendments.

(4) USE OF VERIFICATION SYSTEM NOT REQUIRED FOR A PROGRAM IN CERTAIN CASES.—

(A) REPORT TO RESPECTIVE CONGRESSIONAL COMMITTEES.—With respect to each covered program (as defined in subparagraph (D)(i)), each appropriate Secretary shall examine and report to the appropriate Committees of the House of Representatives and of the Senate, by not later than April 1, 1988, concerning whether (and the extent to which)—

(i) the application of the amendments made by subsection (a) to the program is cost-effective and otherwise appropriate, and

(ii) there should be a waiver of the application of such amendments under subparagraph (B).

The amendments made by subsection (a) shall not apply with respect to a covered program described in subclause (II), (V), (VI), or (VII) of subparagraph (D)(i) until after the date of receipt of such report with respect to the program.

(B) WAIVER IN CERTAIN CASES.—If, with respect to a covered program, the appropriate Secretary determines, on the Secretary's own initiative or upon an application by an administering entity and based on such information as the Secretary deems persuasive (which may include the results of the report required under subsection (d)(1) and information contained in such an application), that—

(i) the appropriate Secretary or the administering entity has in effect an alternative system of immigration status verification which—

(I) is as effective and timely as the system otherwise required under the amendments made by subsection (a) with respect to the program, and

(II) provides for at least the hearing and appeals rights for beneficiaries that would be provided under the amendments made by subsection (a), or

(ii) the costs of administration of the system otherwise required under such amendments exceed the estimated savings,

such Secretary may waive the application of such amendments to the covered program to the extent (by State or other geographic area or otherwise) that such determinations apply.

(C) BASIS FOR DETERMINATION.—A determination under subparagraph (B)(ii) shall be based upon the appropriate Secretary's estimate of—

(i) the number of aliens claiming benefits under the covered program in relation to the total number of claimants seeking benefits under the program,

(ii) any savings in benefit expenditures reasonably expected to result from implementation of the verification program, and

(iii) the labor and nonlabor costs of administration of the verification system,

the degree to which the Immigration and Naturalization Service is capable of providing timely and accurate information to the administering entity in order to permit a reliable determination of immigration status, and such other factors as such Secretary deems relevant.

(D) DEFINITIONS.—In this paragraph:

(i) The term "covered program" means each of the following programs:

(I) The aid to families with dependent children program under part A of title IV of the Social Security Act.

(II) The medicaid program under title XIX of the Social Security Act.

(III) Any State program under a plan approved under title I, X, XIV, or XVI of the Social Security Act.

(IV) The unemployment compensation program under section 3304 of the Internal Revenue Code of 1954.

(V) The food stamp program under the Food Stamp Act of 1977.

(VI) The programs of financial assistance for housing subject to section 214 of the Housing and Community Development Act of 1980.

(VII) The program of grants, loans, and work assistance under title IV of the Higher Education Act of 1965.

(ii) The term "appropriate Secretary" means, with respect to the covered program described in—

(I) subclauses (I) through (III) of clause (i), the Secretary of Health and Human Services;

(II) clause (i)(IV), the Secretary of Labor;

(III) clause (i)(V), the Secretary of Agriculture;

(IV) clause (i)(VI), the Secretary of Housing and Urban Development; and

(V) clause (i)(VII), the Secretary of Education.

(iii) The term "administering entity" means, with respect to the covered program described in—

(I) subclause (I), (II), (III), (IV), or (V) of clause (i), the State agency responsible for the administration of the program in a State;

(II) clause (i)(VI), the Secretary of Housing and Urban Development, a public housing agency, or another entity that determines the eligibility of an individual for financial assistance; and

(III) clause (i)(VII), an institution of higher education involved.

(5) FUNDS AUTHORIZED.—Such sums as may be necessary are authorized for the Immigration and Naturalization Service to carry out the purposes of this section.

(d) GAO REPORTS.—

(1) REPORT ON CURRENT PILOT PROJECTS.—The Comptroller General shall—

(A) examine current pilot projects relating to the System for Alien Verification of Eligibility (SAVE) operated by, or through cooperative agreements with, the Immigration and Naturalization Service, and

(B) report, not later than October 1, 1987, to Congress and to the Commissioner of the Immigration and Naturalization Service concerning the effectiveness of such projects and any problems with the implementation of such projects, particularly as they may apply to implementation of the system referred to in subsection (c)(1).

(2) REPORT ON IMPLEMENTATION OF VERIFICATION SYSTEM.—The Comptroller General shall—

(A) monitor and analyze the implementation of such system,

(B) report to Congress and to the appropriate Secretaries described in subsection (c)(4)(D)(ii), by not later than April 1, 1989, on such implementation, and

(C) include in such report such recommendations for changes in the system as may be appropriate.

TITLE II—LEGALIZATION

SEC. 201. LEGALIZATION OF STATUS.

(a) PROVIDING FOR LEGALIZATION PROGRAM.—(1) Chapter 5 of title II is amended by inserting after section 245 (8 U.S.C. 1255) the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN ENTRANTS BEFORE JANUARY 1, 1982, TO THAT OF PERSON ADMITTED FOR LAWFUL RESIDENCE

"SEC. 245A. (a) TEMPORARY RESIDENT STATUS.—The Attorney General shall adjust the status of an alien to that of an alien lawfully admitted for temporary residence if the alien meets the following requirements:

"(1) ENTRY, PHYSICAL PRESENCE, AND TIMELY APPLICATION.—

"(A) DURING APPLICATION PERIOD.—Except as provided in subparagraph (B), the alien must apply for such adjustment during the 18-month period beginning on a date (not later than 180 days after the date of enactment of this section) designated by the Attorney General.

"(B) APPLICATION WITHIN 30 DAYS OF SHOW-CAUSE ORDER.—An alien who, at any time during the first 17 months of the 18-month period described in subparagraph (A), is the subject of an order to show cause issued under section 242, must make application under this section not later than the end of the 30-day period beginning either on the first day of such 18-month period or on the date of the issuance of such order, whichever day is later.

"(C) TREATMENT OF CERTAIN CUBAN AND HAITIAN ENTRANTS.—For purposes of this subsection, an alien in the status of a Cuban and Haitian entrant described in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422 shall be considered to have entered the United States and to be in an unlawful status in the United States.

"(2) CONTINUOUS UNLAWFUL RESIDENCE SINCE 1982.—

"(A) IN GENERAL.—The alien must establish that he entered the United States before January 1, 1982, and that he has resided continuously in the United States in an unlawful status since such date and through the date the application is filed under this subsection.

"(B) NONIMMIGRANTS.—In the case of an alien who entered the United States as a nonimmigrant before January 1, 1982, the alien must establish that the alien's period of authorized stay as a nonimmigrant expired before such date through the passage of time or the alien's unlawful status was known to the Government as of such date.

"(C) EXCHANGE VISITORS.—If the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien must establish that the alien was not subject to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof.

"(3) CONTINUOUS PHYSICAL PRESENCE SINCE ENACTMENT.—

"(A) IN GENERAL.—The alien must establish that the alien has been continuously physically present in the United States since the date of the enactment of this section.

"(B) TREATMENT OF BRIEF, CASUAL, AND INNOCENT ABSENCES.—An alien shall not be considered to have failed to maintain continuous physical presence in the United States for purposes of subparagraph (A) by virtue of brief, casual, and innocent absences from the United States.

"(C) ADMISSIONS.—Nothing in this section shall be construed as authorizing an alien to apply for admission to, or to be admitted to, the United States in order to apply for adjustment of status under this subsection.

"(4) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he—

"(A) is admissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2),

"(B) has not been convicted of any felony or of three or more misdemeanors committed in the United States,

"(C) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion, and

"(D) is registered or registering under the Military Selective Service Act, if the alien is required to be so registered under that Act.

"(b) SUBSEQUENT ADJUSTMENT TO PERMANENT RESIDENCE AND NATURE OF TEMPORARY RESIDENT STATUS.—

"(1) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall adjust the status of any alien provided lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if the alien meets the following requirements:

"(A) TIMELY APPLICATION AFTER ONE YEAR'S RESIDENCE.—The alien must apply for such adjustment during the one-year period beginning with the thirteenth month that begins after the date the alien was granted such temporary resident status.

"(B) CONTINUOUS RESIDENCE.—

"(i) IN GENERAL.—The alien must establish that he has continuously resided in the United States since the date the alien was granted such temporary resident status.

"(ii) TREATMENT OF CERTAIN ABSENCES.—An alien shall not be considered to have lost the continuous residence referred to in clause (i) by reason of an absence from the United States permitted under paragraph (3)(A).

"(C) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he—

"(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2), and

"(ii) has not been convicted of any felony or three or more misdemeanors committed in the United States.

"(D) BASIC CITIZENSHIP SKILLS.—

"(i) IN GENERAL.—The alien must demonstrate that he either—

"(I) meets the requirements of section 312 (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States), or

"(II) is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States.

"(ii) EXCEPTION FOR ELDERLY INDIVIDUALS.—The Attorney General may, in his discretion, waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older.

"(iii) RELATION TO NATURALIZATION EXAMINATION.—In accordance with regulations of the Attorney General, an alien who has demonstrated under clause (i)(I) that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(2) TERMINATION OF TEMPORARY RESIDENCE.—The Attorney General shall provide for termination of temporary resident status granted an alien under subsection (a)—

"(A) if it appears to the Attorney General that the alien was in fact not eligible for such status;

"(B) if the alien commits an act that (i) makes the alien inadmissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2), or (ii) is convicted of any felony or three or more misdemeanors committed in the United States; or

"(C) at the end of the twenty-fifth month beginning after the date the alien is granted such status, unless the alien has filed an application for adjustment of such status pursuant to paragraph (1) and such application has not been denied.

"(3) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—During the period an alien is in lawful temporary resident status granted under subsection (a)—

"(A) AUTHORIZATION OF TRAVEL ABROAD.—The Attorney General shall, in accordance with regulations, permit the alien to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to adjust to lawful permanent resident status under paragraph (1) and after brief temporary trips abroad occasioned by a family obligation involving an occurrence such as the illness or death of a close relative or other family need.

"(B) AUTHORIZATION OF EMPLOYMENT.—The Attorney General shall grant the alien authorization to engage in employment in the United States and provide to that alien an 'employment authorized' endorsement or other appropriate work permit.

"(c) APPLICATIONS FOR ADJUSTMENT OF STATUS.—

"(1) TO WHOM MAY BE MADE.—The Attorney General shall provide that applications for adjustment of status under subsection (a) or under subsection (b)(1) may be filed—

"(A) with the Attorney General, or

"(B) with a designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Attorney General.

"(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—For purposes of receiving applications under this section, the Attorney General—

"(A) shall designate qualified voluntary organizations and other qualified State, local, and community organizations, and

"(B) may designate such other persons as the Attorney General determines are qualified and have substantial experience, demonstrated competence, and traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209 or 245, Public Law 89-732, or Public Law 95-145.

"(3) TREATMENT OF APPLICATIONS BY DESIGNATED ENTITIES.—Each designated entity must agree to forward to the Attorney General applications filed with it in accordance with paragraph (1)(B) but not to forward to the Attorney General applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Attorney General.

"(4) LIMITATION ON ACCESS TO INFORMATION.—Files and records of designated entities operating under this section are confidential and the Attorney General and the Service shall not have access to such files or records relating to an alien without the consent of the alien.

"(5) CONFIDENTIALITY OF INFORMATION.—Neither the Attorney General, nor any other official or employee of the Department of Justice, or bureau or agency thereof, may—

"(A) use the information furnished pursuant to an application filed under this section for any purpose other than to make a determination on the application or for enforcement of paragraph (6),

"(B) make any publication whereby the information furnished by any particular individual can be identified, or

"(C) permit anyone other than the sworn officers and employees of the Department or bureau or agency or, with respect to applications filed with a designated entity, that designated entity, to examine individual applications.

Anyone who uses, publishes, or permits information to be examined in violation of this paragraph shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(6) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—Whoever files an application for adjustment of status under this section and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"(7) APPLICATION FEES.—

"(A) AMOUNT OF FEES.—The fee for filing an application for adjustment under subsection (a) shall be established by the Attorney General and may not exceed $75 in the case of an individual applicant or $175 in the case of an application filed on behalf of an individual, his spouse, and any of his children.

"(B) USE OF FEES.— The Attorney General shall deposit payments received under this paragraph in a separate account and amounts in such account shall be available, without fiscal year limitation, to cover administrative and other expenses incurred in connection with the review of applications filed under this section.

"(d) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR EXCLUSION.—

"(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

"(2) WAIVER OF GROUNDS FOR EXCLUSION.—In the determination of an alien's admissibility under subsections (a)(4)(A), (b)(1)(C)(i), and (b)(2)(B)—

"(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not apply.

"(B) WAIVER OF OTHER GROUNDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Attorney General may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(ii) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of section 212(a) may not be waived by the Attorney General under clause (i):

"(I) Paragraphs (9) and (10) (relating to criminals).

"(II) Paragraph (15) (relating to aliens likely to become public charges) insofar as it relates to an application for adjustment to permanent residence.

"(III) Paragraph (23) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana.

"(IV) Paragraphs (27), (28), and (29) (relating to national security and members of certain organizations).

"(V) Paragraph (33) (relating to those who assisted in the Nazi persecutions).

"(iii) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

"(C) MEDICAL EXAMINATION.—The alien shall be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

"(e) TEMPORARY STAY OF DEPORTATION AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

"(1) BEFORE APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(A) and who can establish a nonfrivolous case of eligibility to have his status adjusted under subsection (a) (but for the fact that he may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for adjustment, the alien—

"(A) may not be deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(2) DURING APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who presents a nonfrivolous application for adjustment of status under subsection (a) during the application period, and until a final determination on the application has been made in accordance with this section, the alien—

"(A) may not be deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(f) ADMINISTRATIVE AND JUDICIAL REVIEW.—

"(1) ADMINISTRATIVE AND JUDICIAL REVIEW.—There shall be no administrative or judicial review of a determination respecting an application for adjustment of status under this section except in accordance with this subsection.

"(2) ADMINISTRATIVE REVIEW.—

"(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Attorney General shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

"(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

"(3) JUDICIAL REVIEW.—

"(A) LIMITATION TO REVIEW OF DEPORTATION.—There shall be judicial review of such a denial only in the judicial review of an order of deportation under section 106.

"(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

"(g) REGULATIONS IMPLEMENTING SECTION.—The Attorney General, after consultation with the Committees on the Judiciary of the House of Representatives and of the Senate and with qualified designated entities, shall prescribe—

"(1) regulations establishing a definition of the term 'resided continuously', as used in this section, and the evidence needed to establish that an alien has resided continuously in the United States for purposes of this section, and

"(2) such other regulations as may be necessary to carry out this section.

Such regulations may be prescribed to take effect on an interim final basis if the Attorney General determines that this is necessary in order to implement this section in a timely manner.

"(h) TEMPORARY DISQUALIFICATION OF NEWLY LEGALIZED ALIENS FROM RECEIVING CERTAIN PUBLIC WELFARE ASSISTANCE.—

"(1) IN GENERAL.—During the five-year period beginning on the date an alien was granted lawful temporary resident status under subsection (a), and notwithstanding any other provision of law—

"(A) except as provided in paragraphs (2) and (3), the alien is not eligible for—

"(i) any program of financial assistance furnished under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government (but in any event including the program of aid to families with dependent children under part A of title IV of the Social Security Act),

"(ii) medical assistance under a State plan approved under title XIX of the Social Security Act, and

"(iii) assistance under the Food Stamp Act of 1977; and

"(B) a State or political subdivision therein may, to the extent consistent with subparagraph (A) and paragraphs (2) and (3), provide that the alien is not eligible for the programs of financial assistance or for medical assistance described in subparagraph (A)(ii) furnished under the law of that State or political subdivision.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply—

"(A) to a Cuban and Haitian entrant (as defined in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422, as in effect on April 1, 1983), or

"(B) in the case of assistance (other than aid to families with dependent children) which is furnished to an alien who is an aged, blind, or disabled individual (as defined in section 1614(a)(1) of the Social Security Act).

"(3) RESTRICTED MEDICAID BENEFITS.—

"(A) CLARIFICATION OF ENTITLEMENT.—Subject to the restrictions under subparagraph (B), for the purpose of providing aliens with eligibility to receive medical assistance—

"(i) paragraph (1) shall not apply,

"(ii) aliens who would be eligible for medical assistance but for the provisions of paragraph (1) shall be deemed, for purposes of title XIX of the Social Security Act, to be so eligible, and

"(iii) aliens lawfully admitted for temporary residence under this section, such status not having changed, shall be considered to be permanently residing in the United States under color of law.

"(B) RESTRICTION OF BENEFITS.—

"(i) LIMITATION TO EMERGENCY SERVICES AND SERVICES FOR PREGNANT WOMEN.—Notwithstanding any provision of title XIX of the Social Security Act (including subparagraphs (B) and (C) of section 1902(a)(10) of such Act), aliens who, but for subparagraph (A), would be ineligible for medical assistance under paragraph (1), are only eligible for such assistance with respect to—

"(I) emergency services (as defined for purposes of section 1916(a)(2)(D) of the Social Security Act), and

"(II) services described in section 1916(a)(2)(B) of such Act (relating to service for pregnant women).

"(ii) NO RESTRICTION FOR EXEMPT ALIENS AND CHILDREN.—The restrictions of clause (i) shall not apply to aliens who are described in paragraph (2) or who are under 18 years of age.

"(C) DEFINITION OF MEDICAL ASSISTANCE.—In this paragraph, the term 'medical assistance' refers to medical assistance under a State plan approved under title XIX of the Social Security Act.

"(4) TREATMENT OF CERTAIN PROGRAMS.—Assistance furnished under any of the following provisions of law shall not be construed to be financial assistance described in paragraph (1)(A)(i):

"(A) The National School Lunch Act.

"(B) The Child Nutrition Act of 1966.

"(C) the Vocational Education Act of 1963.

"(D) Chapter 1 of the Education Consolidation and Improvement Act of 1981.

"(E) The Headstart-Follow Through Act.

"(F) The Job Training Partnership Act.

"(G) Title IV of the Higher Education Act of 1965.

"(H) The Public Health Service Act.

"(I) Titles V, XVI, and XX, and parts B, D, and E of title IV, of the Social Security Act (and titles I, X, XIV, and XVI of such Act as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972).

"(5) ADJUSTMENT NOT AFFECTING FASCELL-STONE BENEFITS.—For the purpose of section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-122), assistance shall be continued under such section with respect to an alien without regard to the alien's adjustment of status under this section.

"(i) DISSEMINATION OF INFORMATION ON LEGALIZATION PROGRAM.—Beginning not later than the date designated by the Attorney General under subsection (a)(1)(A), the Attorney General, in cooperation with designated entities, shall broadly disseminate in English and other appropriate languages information respecting the benefits which aliens may receive under this section and the requirements to obtain such benefits. Such information shall include—

"(1) information respecting the requirements that aliens with lawful temporary resident status would have to meet to have their status adjusted to permanent resident status under subsection (b)(1) and the facilities available to provide education and employment training and opportunities in order to meet such requirements;

"(2) information on the conditions under which temporary lawful resident status can be rescinded under subsection (b)(2); and

"(3) information on conditions for employment and foreign travel of aliens with lawful temporary resident status under subsection (b)(3).".

(2) The table of contents for chapter 5 of title II is amended by inserting after the item relating to section 245 the following new item:

"Sec. 245A. Adjustment of status of certain entrants before January 1, 1982, to that of person admitted for lawful residence.".

(b) CONFORMING AMENDMENTS.—(1) Section 402 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(f)(1) For temporary disqualification of certain newly legalized aliens from receiving aid to families with dependent children, see subsection (h) of section 245A of the Immigration and Nationality Act.

"(2) In any case where an alien disqualified from receiving aid under such subsection (h) is the parent of a child who is not so disqualified and who (without any adjustment of status under such section 245A) is considered a dependent child under subsection (a)(33), or is the brother or sister of such a child, subsection (a)(38) shall not apply, and the needs of such alien shall not be taken into account in making the determination under subsection (a)(7) with respect to such child, but the income of such alien (if he or she is the parent of such child) shall be included in making such determination to the same extent that income of a stepparent is included under subsection (a)(31).".

(2)(A) Section 472(a) of such Act is amended by adding at the end thereof (after and below paragraph (4)) the following new sentence:

"In any case where the child is an alien disqualified under section 245A(h) of the Immigration and Nationality Act from receiving aid under the State plan approved under section 402 in or for the month in which such agreement was entered into or court proceedings leading to the removal of the child from the home were instituted, such child shall be considered to satisfy the requirements of paragraph (4) (and the corresponding requirements of section 473(a)(1)(B)), with respect to that month, if he or she would have satisfied such requirements but for such disqualification.".

(B) Section 473(a)(1) of such Act is amended by adding at the end thereof (after and below subparagraph (C)) the following new sentence:

"The last sentence of section 472(a) shall apply, for purposes of subparagraph (B), in any case where the child is an alien described in that sentence.".

SEC. 202. CUBAN-HAITIAN ADJUSTMENT.

(a) ADJUSTMENT OF STATUS.—The status of any alien described in subsection (b) may be adjusted by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

(1) the alien applies for such adjustment within two years after the date of the enactment of this Act;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (14), (15), (16), (17), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act shall not apply;

(3) the alien is not an alien described in section 243(h)(2) of such Act;

(4) the alien is physically present in the United States on the date the application for such adjustment is filed; and

(5) the alien has continuously resided in the United States since January 1, 1982.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien—

(1) who has received an immigration designation as a Cuban/Haitian Entrant (Status Pending) as of the date of the enactment of this Act, or

(2) who is a national of Cuba or Haiti, who arrived in the United States before January 1, 1982, with respect to whom any record was established by the Immigration and Naturalization Service before January 1, 1982, and who (unless the alien filed an application for asylum with the Immigration and Naturalization Service before January 1, 1982) was not admitted to the United States as a nonimmigrant.

(c) NO AFFECT ON FASCELL-STONE BENEFITS.—An alien who, as of the date of the enactment of this Act, is a Cuban and Haitian entrant for the purpose of section 501 of Public Law 96-422 shall continue to be considered such an entrant for such purpose without regard to any adjustment of status effected under this section.

(d) RECORD OF PERMANENT RESIDENCE AS OF JANUARY 1, 1982.—Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent residence as of January 1, 1982.

(e) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act and the Attorney General shall not be required to charge the alien any fee.

(f) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

SEC. 203. UPDATING REGISTRY DATE TO JANUARY 1, 1976.

(a) IN GENERAL.—Section 249 (8 U.S.C. 1259) is amended—

(1) by striking out "JUNE 30, 1948" in the heading and inserting in lieu thereof "JANUARY 1, 1976", and

(2) by striking out "June 30, 1948" in paragraph (a) and inserting in lieu thereof "January 1, 1976".

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The item in the table of contents relating to section 249 is amended by striking out "June 30, 1948", and inserting in lieu thereof "January 1, 1976".

(c) CLARIFICATION.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act shall not apply to aliens provided lawful permanent resident status under section 249 of that Act.

SEC. 204. STATE LEGALIZATION ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to carry out subsections (b) and (c) of this section (including State and local administrative costs) such sums as may be necessary for fiscal year 1987 and for each of the four succeeding fiscal years.

(2) Amounts appropriated under this subsection for a fiscal year which are not obligated by the end of such year shall remain available for obligation during the next fiscal year.

(3) If the amounts appropriated under this subsection for a fiscal year are insufficient to provide fully for reimbursement and payments under subsections (b) and (c) for the fiscal year—

(A) amounts shall first be obligated for purposes of making payments to States and State educational agencies under such subsections, and

(B) in obligating such amounts, amounts shall be allocated among the States and State educational agencies on an equal pro rata basis based on their costs under such subsections in providing public assistance and educational services, except as provided in paragraph (4).

(4)(A) If the amounts appropriated under this subsection for a fiscal year exceed 40 percent, but are less than 100 percent, of the amounts necessary to provide fully for reimbursement and payments under subsections (b) and (c) for the fiscal year, the subsection (b) percentage (as defined in subparagraph (B)) may exceed the subsection (c) percentage, so long as the subsection (c) percentage is not less than 40 percent.

(B) In subparagraph (A), the terms "subsection (b) percentage" and "subsection (c) percentage" mean the ratio (expressed as a percentage) of—

(i) the amounts obligated for purposes of making payments under subsection (b) or subsection (c), respectively, to

(ii) the amounts necessary to provide fully for reimbursement and payments under the respective subsection.

(b) REIMBURSEMENT TO STATES FOR PUBLIC ASSISTANCE FOR ELIGIBLE LEGALIZED ALIENS.—(1) Subject to the amounts provided in advance in appropriation Acts, the Secretary of Health and Human Services shall provide reimbursement to each State (as defined in paragraph (2)(A)) for 100 percent of the costs of programs of public assistance (as defined in paragraph (2)(B)) provided to any eligible legalized alien (as defined in paragraph (2)(D)) and for 100 percent of the costs of programs of public health assistance (as defined in paragraph (2)(C)) provided to any alien who is, or is applying on a timely basis to the Attorney General to become, an eligible legalized alien. No such reimbursement shall be available to any such program of public health assistance to the extent that the costs of services provided to such eligible legalized aliens have been financed through Federal funds.

(2) For purposes of this subsection:

(A) The term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

(B) The term "programs of public assistance" means programs existing in a State or local jurisdiction which—

(i) provide for cash, medical, or other assistance designed to meet the basic subsistence or health needs of individuals,

(ii) are generally available to needy individuals residing in the State or locality, and

(iii) receive funding from units of State or local government.

(C) The term "programs of public health assistance" means programs in a State or local jurisdiction which—

(i) provide public health services, including immunizations for immunizable diseases, testing and treatment for tuberculosis and sexually-transmitted diseases, and family planning services,

(ii) are generally available to needy individuals residing in the State or locality, and

(iii) receive funding from units of State or local government.

(D) The term "eligible legalized alien" means an alien who was granted lawful temporary resident status under section 245A(a) of the Immigration and Nationality Act, but only until the end of the five-year period beginning on the date the alien was granted such status.

(c) EDUCATIONAL ASSISTANCE.—(1) Subject to the amounts provided in advance in appropriation Acts and in accordance with this section, the Secretary of Education shall make payments to State educational agencies for the purpose of assisting local educational agencies of that State in providing educational services for eligible legalized aliens (as defined in subsection (b)(2)(D)).

(2) The definitions and provisions of the Emergency Immigrant Education Act of 1984 (title VI of Public Law 98-511; 20 U.S.C. 4101 et seq.) shall apply to payments under this subsection in the same manner as they apply to payments under that Act, except that, in applying this paragraph—

(A) any reference in such Act to "immigrant children" shall be deemed to be a reference to "eligible legalized aliens" (including such aliens who are over 16 years of age) during the 60-month period beginning with the first month in which such an alien is granted temporary lawful residence under section 245A(a) of the Immigration and Nationality Act;

(B) in determining the amount of payment with respect to eligible legalized aliens who are over 16 years of age, the phrase "described under paragraph (2)" shall be deemed to be stricken from section 606(b)(1)(A) of such Act (20 U.S.C. 4105(b)(1)(A));

(C) the State educational agency may provide such educational services to adult eligible legalized aliens through local educational agencies and other public and private nonprofit organizations, including community-based organizations of demonstrated effectiveness; and

(D) such services may include English language and other programs designed to enable such aliens to attain the citizenship skills described in section 245A(b)(1)(D)(i) of the Immigration and Nationality Act.

(d) NO DUPLICATION OF ASSISTANCE.—Reimbursement under subsection (b) or subsection (c) shall not be made for costs to the extent the costs are otherwise reimbursed or paid for under other Federal programs.

(e) CONSULTATION IN IMPLEMENTING SECTION.—The Secretary of Health and Human Services and the Secretary of Education shall consult with representatives of State and local governments in establishing regulations and guidelines to carry out this section.

TITLE III—REFORM OF LEGAL IMMIGRATION

PART A—TEMPORARY AGRICULTURAL WORKERS

SEC. 301. H-2A AGRICULTURAL WORKERS.

(a) PROVIDING NEW "H-2A" NONIMMIGRANT CLASSIFICATION FOR TEMPORARY AGRICULTURAL LABOR.—Paragraph (15)(H) of section 101(a) (8 U.S.C. 1101(a)) is amended by striking out "to perform temporary services or labor," in clause (ii) and inserting in lieu thereof "(a) to perform agricultural labor or services, as defined by the Secretary of Labor in regulations and including agricultural labor defined in section 3121(g) of the Internal Revenue Code of 1954 and agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), of a temporary or seasonal nature, or (b) to perform other temporary service or labor".

(b) INVOLVEMENT OF DEPARTMENTS OF LABOR AND AGRICULTURE IN H-2A PROGRAM.—Section 214(c) (8 U.S.C. 1184(c)) is amended by adding at the end the following: "For purposes of this subsection with respect to nonimmigrants described in section 101(a)(15)(H)(ii)(a), the term 'appropriate agencies of Government' means the Department of Labor and includes the Department of Agriculture. The provisions of section 216 shall apply to the question of importing any alien as a nonimmigrant under section 101(a)(15)(H)(ii)(a).".

(c) ADMISSION OF H-2A WORKERS.—(1) Chapter 2 of title II is amended by adding after section 215 the following new section:

"ADMISSION OF TEMPORARY H-2A WORKERS

"SEC. 216. (a) CONDITIONS FOR APPROVAL OF H-2A PETITIONS.—(1) A petition to import an alien as an H-2A worker (as defined in subsection (i)(2)) may not be approved by the Attorney General unless the petitioner has applied to the Secretary of Labor for a certification that—

"(A) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services involved in the petition, and

"(B) the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

"(2) The Secretary of Labor may require by regulation, as a condition of issuing the certification, the payment of a fee to recover the reasonable costs of processing applications for certification.

"(b) CONDITIONS FOR DENIAL OF LABOR CERTIFICATION.—The Secretary of Labor may not issue a certification under subsection (a) with respect to an employer if the conditions described in that subsection are not met or if any of the following conditions are met:

"(1) There is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification.

"(2)(A) The employer during the previous two-year period employed H-2A workers and the Secretary of Labor has determined, after notice and opportunity for a hearing, that the employer at any time during that period substantially violated a material term or condition of the labor certification with respect to the employment of domestic or nonimmigrant workers.

"(B) No employer may be denied certification under subparagraph (A) for more than three years for any violation described in such subparagraph.

"(3) The employer has not provided the Secretary with satisfactory assurances that if the employment for which the certification is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(4) The Secretary determines that the employer has not made positive recruitment efforts within a multi-state region of traditional or expected labor supply where the Secretary finds that there are a significant number of qualified United States workers who, if recruited, would be willing to make themselves available for work at the time and place needed. Positive recruitment under this paragraph is in addition to, and shall be conducted within the same time period as, the circulation through the interstate employment service system of the employer's job offer. The obligation to engage in positive recruitment under this paragraph shall terminate on the date the H-2A workers depart for the employer's place of employment.

"(c) SPECIAL RULES FOR CONSIDERATION OF APPLICATIONS.—The following rules shall apply in the case of the filing and consideration of an application for a labor certification under this section:

"(1) DEADLINE FOR FILING APPLICATIONS.—The Secretary of Labor may not require that the application be filed more than 60 days before the first date the employer requires the labor or services of the H-2A worker.

"(2) NOTICE WITHIN SEVEN DAYS OF DEFICIENCIES.—(A) The employer shall be notified in writing within seven days of the date of filing if the application does not meet the standards (other than that described in subsection (a)(1)(A)) for approval.

"(B) If the application does not meet such standards, the notice shall include the reasons therefor and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.

"(3) ISSUANCE OF CERTIFICATION.—(A) The Secretary of Labor shall make, not later than 20 days before the date such labor or services are first required to be performed, the certification described in subsection (a)(1) if—

"(i) the employer has complied with the criteria for certification (including criteria for the recruitment of eligible individuals as prescribed by the Secretary), and

"(ii) the employer does not actually have, or has not been provided with referrals of, qualified eligible individuals who have indicated their availability to perform such labor or services on the terms and conditions of a job offer which meets the requirements of the Secretary.

In considering the question of whether a specific qualification is appropriate in a job offer, the Secretary shall apply the normal and accepted qualifications required by non-H-2A-employers in the same or comparable occupations and crops.

"(B)(i) For a period of 3 years subsequent to the effective date of this section, labor certifications shall remain effective only if, from the time the foreign worker departs for the employer's place of employment, the employer will provide employment to any qualified United States worker who applies to the employer until 50 percent of the period of the work contract, under which the foreign worker who is in the job was

hired, has elapsed. In addition, the employer will offer to provide benefits, wages and working conditions required pursuant to this section and regulations.

"(ii) The requirement of clause (i) shall not apply to any employer who—

"(I) did not, during any calendar quarter during the preceding calendar year, use more than 500 man-days of agricultural labor, as defined in section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)),

"(II) is not a member of an association which has petitioned for certification under this section for its members, and

"(III) has not otherwise associated with other employers who are petitioning for temporary foreign workers under this section.

"(iii) Six months before the end of the 3-year period described in clause (i), the Secretary of Labor shall consider the findings of the report mandated by section 403(a)(4)(D) of the Immigration Control and Legalization Amendments Act of 1986 as well as other relevant materials, including evidence of benefits to United States workers and costs to employers, addressing the advisability of continuing a policy which requires an employer, as a condition for certification under this section, to continue to accept qualified, eligible United States workers for employment after the date the H-2A workers depart for work with the employer. The Secretary's review of such findings and materials shall lead to the issuance of findings in furtherance of the Congressional policy that aliens not be admitted under this section unless there are not sufficient workers in the United States who are able, willing, and qualified to perform the labor or service needed and that the employment of the aliens in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed. In the absence of the enactment of Federal legislation prior to three months before the end of the 3-year period described in clause (i) which addresses the subject matter of this subparagraph, the Secretary shall immediately publish the findings required by this clause, and shall promulgate, on an interim or final basis, regulations based on his findings which shall be effective no later than three years from the effective date of this section.

"(iv) In complying with clause (i) of this subparagraph, an association shall be allowed to refer or transfer workers among its members: *Provided,* That for purposes of this section an association acting as an agent for its members shall not be considered a joint employer merely because of such referral or transfer.

"(v) United States workers referred or transferred pursuant to clause (iv) of this subparagraph shall not be treated disparately.

"(vi) An employer shall not be liable for payments under section 655.202(b)(6) of title 20, Code of Federal Regulations (or any successor regulation) with respect to an H-2A worker who is displaced due to compliance with the requirement of this subparagraph, if the Secretary of Labor certifies that the H-2A worker was displaced because of the employer's compliance with clause (i) of this subparagraph.

"(vii)(I) No person or entity shall willfully and knowingly withhold domestic workers prior to the arrival of H-2A workers in order to force the hiring of domestic workers under clause (i).

"(II) Upon the receipt of a complaint by an employer that a violation of subclause (I) has occurred the Secretary shall immediately investigate. He shall within 36 hours of the receipt of the complaint issue findings concerning the alleged violation. Where the Secretary finds that a violation has occurred, he shall immediately suspend the application of clause (i) of this subparagraph with respect to that certification for that date of need.

"(4) HOUSING.—Employers shall furnish housing in accordance with regulations. The employer shall be permitted at the employer's option to provide housing meeting applicable Federal standards for temporary labor camps or to secure housing which meets the local standards for rental and/or public accommodations or other substantially similar class of habitation: *Provided,* That in the absence of applicable local standards, State standards for rental and/or public accommodations or other substantially similar class of habitation shall be met: *Provided further,* That in the absence of applicable local or State standards, Federal temporary labor camp standards shall apply: *Provided further,* That the Secretary of Labor shall issue regulations which address the specific requirements of housing for employees principally engaged in the range production of livestock: *Provided further,* That when it is the prevailing practice in the area and occupation of intended employment to provide family housing, family housing shall be provided to workers with families who request it: *And provided further,* That nothing in this paragraph shall require an employer to provide or secure housing for workers who are not entitled to it under the temporary labor certification regulations in effect on June 1, 1986.

"(d) ROLES OF AGRICULTURAL ASSOCIATIONS.—

"(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to import an alien as a temporary agricultural worker, and an application for a labor certification with respect to such a worker, may be filed by an association of agricultural producers which use agricultural services.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association is a joint or sole employer of temporary agricultural workers, the certifications granted under this section to the association may be used for the certified job opportunities of any of its producer members and such workers may be transferred among its producer members to perform agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(3) TREATMENT OF VIOLATIONS.—

"(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual producer member of a joint employer association is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the member, the denial shall apply only to that member of the association unless the Secretary determines that the association or other member participated in, had knowledge of, or reason to know of, the violation.

"(B) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—(i) If an association representing agricultural producers as a joint employer is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the association, the denial shall apply only to the association and does not apply to any individual producer member of the association unless the Secretary determines that the member participated in, had knowledge of, or reason to know of, the violation.

"(ii) If an association of agricultural producers certified as a sole employer is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the association, no individual producer member of such association may be the beneficiary of the services of temporary alien agricultural workers admitted under this section in the commodity and occupation in which such aliens were employed by the association which was denied certification during the period such denial is in force, unless such producer member employs such aliens in the commodity and occupation in question directly or through an association which is a joint employer of such workers with the producer member.

"(e) EXPEDITED ADMINISTRATIVE APPEALS OF CERTAIN DETERMINATIONS.—(1) Regulations shall provide for an expedited procedure for the review of a denial of certification under subsection (a)(1) or a revocation of such a certification or, at the applicant's request, for a de novo administrative hearing respecting the denial or revocation.

"(2) The Secretary of Labor shall expeditiously, but in no case later than 72 hours after the time a new determination is requested, make a new determination on the request for certification in the case of an H-2A worker if able, willing, and qualified eligible individuals are not actually available at the time such labor or services are required and a certification was denied in whole or in part because of the availability of qualified workers. If the employer asserts that any eligible individual who has been referred is not able, willing, or qualified, the burden of proof is on the employer to establish that the individual referred is not able, willing, or qualified because of employment-related reasons.

"(f) VIOLATORS DISQUALIFIED FOR 5 YEARS.—An alien may not be admitted to the United States as a temporary agricultural worker if the alien was admitted to the United States as such a worker within the previous five-year period and the alien during that period violated a term or condition of such previous admission.

"(g) AUTHORIZATIONS OF APPROPRIATIONS.—(1) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, $10,000,000 for the purposes—

"(A) of recruiting domestic workers for temporary labor and services which might otherwise be performed by nonimmigrants described in section 101(a)(15)(H)(ii)(a), and

"(B) of monitoring terms and conditions under which such nonimmigrants (and domestic workers employed by the same employers) are employed in the United States.

"(2) The Secretary of Labor is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this section.

"(3) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, such sums as may be necessary for the purpose of enabling the Secretary of Labor to make determinations and certifications under this section and under section 212(a)(14).

"(4) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, such sums as may be necessary for the purposes of enabling the Secre-

tary of Agriculture to carry out the Secretary's duties and responsibilities under this section.

"(h) MISCELLANEOUS PROVISIONS.—(1) The Attorney General shall provide for such endorsement of entry and exit documents of nonimmigrants described in section 101(a)(15)(H)(ii) as may be necessary to carry out this section and to provide notice for purposes of section 274A.

"(2) The provisions of subsections (a) and (c) of section 214 and the provisions of this section preempt any State or local law regulating admissibility of nonimmigrant workers.

"(i) DEFINITIONS.—For purposes of this section:

"(1) The term 'eligible individual' means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A(g)) with respect to that employment.

"(2) The term 'H-2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).".

(2) Section 3306(c)(1)(B) of the Internal Revenue Code of 1954 is amended by striking out "before January 1, 1988," and inserting in lieu thereof "before January 1, 1993,".

(d) EFFECTIVE DATE.—The amendments made by this section apply to petitions and applications filed under sections 214(c) and 216 of the Immigration and Nationality Act on or after the first day of the seventh month beginning after the date of the enactment of this Act (hereinafter in this section referred to as the "effective date").

(e) REGULATIONS.—The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall approve all regulations to be issued implementing sections 101(a)(15)(H)(ii)(a) and 216 of the Immigration and Nationality Act. Notwithstanding any other provision of law, final regulations to implement such sections shall first be issued, on an interim or other basis, not later than the effective date.

(f) SENSE OF CONGRESS RESPECTING CONSULTATION WITH MEXICO.—It is the sense of Congress that the President should establish an advisory commission which shall consult with the Governments of Mexico and of other appropriate countries and advise the Attorney General regarding the operation of the alien temporary worker program established under section 216 of the Immigration and Nationality Act.

(g) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 215 the following new item:

"Sec. 216. Admission of temporary H-2A workers.".

SEC. 302. LAWFUL RESIDENCE FOR CERTAIN SPECIAL AGRICULTURAL WORKERS.

(a) IN GENERAL.—(1) Chapter 1 of title II is amended by adding at the end the following new section:

"SPECIAL AGRICULTURAL WORKERS

"SEC. 210. (a) LAWFUL RESIDENCE.—

"(1) IN GENERAL.—The Attorney General shall adjust the status of an alien to that of an alien lawfully admitted for temporary residence if the Attorney General determines that the alien meets the following requirements:

"(A) APPLICATION PERIOD.—The alien must apply for such adjustment during the 18-month period beginning on the first day of the seventh month that begins after the date of enactment of this section.

"(B) PERFORMANCE OF SEASONAL AGRICULTURAL SERVICES AND RESIDENCE IN THE UNITED STATES.—The alien must establish that he has—

"(i) resided in the United States, and

"(ii) performed seasonal agricultural services in the United States for at least 90 mandays,

during the 12-month period ending on May 1, 1986. For purposes of the previous sentence, performance of seasonal agricultural services in the United States for more than one employer on any one day shall be counted as performance of services for only 1 man-day.

"(C) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(2).

"(2) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall adjust the status of any alien provided lawful temporary resident status under paragraph (1) to that of an alien lawfully admitted for permanent residence on the following date:

"(A) GROUP 1.—Subject to the numerical limitation established under subparagraph (C), in the case of an alien who has established, at the time of application for temporary residence under paragraph (1), that the alien performed seasonal agricultural services in the United States for at least 90 mandays during each of the 12-months periods ending on May 1, 1984, 1985, and 1986, the adjustment shall occur on the first day after the end of the one-year period that begins on the later of (I) the date the alien was granted such temporary resident status, or (II) the day after the last day of the application period described in paragraph (1)(A).

"(B) GROUP 2.—In the case of aliens to which subparagraph (A) does not apply, the adjustment shall occur on the day after the last day of the two-year period that begins on the later of (I) the date the alien was granted such temporary resident status, or (II) the day after the last day of the application period described in paragraph (1)(A).

"(C) NUMERICAL LIMITATION.—Subparagraph (A) shall not apply to more than 350,000 aliens. If more than 350,000 aliens meet the requirements of such subparagraph, such subparagraph shall apply to the 350,000 aliens whose applications for adjustment were first filed under paragraph (1) and subparagraph (B) shall apply to the remaining aliens.

"(3) TERMINATION OF TEMPORARY RESIDENCE.—During the period of temporary resident status granted an alien under paragraph (1), the Attorney General may terminate such status only upon a determination under this Act that the alien is deportable.

"(4) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien has the right to travel abroad (including commutation from a residence abroad) and shall be granted authorization to engage in employment in the United States and shall be provided an 'employment authorized' endorsement or other appropriate work permit, in the same manner as for aliens lawfully admitted for permanent residence.

"(5) IN GENERAL.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under paragraph (1), such status not having changed, is considered to be an alien lawfully admitted for permanent residence (as described in section 101(a)(20)), other than under any provision of the immigration laws.

"(b) APPLICATIONS FOR ADJUSTMENT OF STATUS.—

"(1) TO WHOM MAY BE MADE.—

"(A) WITHIN THE UNITED STATES.—The Attorney General shall provide that applications for adjustment of status under subsection (a) may be filed—

"(i) with the Attorney General, or

"(ii) with a designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Attorney General.

"(B) OUTSIDE THE UNITED STATES.—The Attorney General, in cooperation with the Secretary of State, shall provide a procedure whereby an alien may apply for adjustment of status under subsection (a)(1) at an appropriate consular office outside the United States. If the alien otherwise qualifies for such adjustment, the Attorney General shall provide such documentation of authorization to enter the United States and to have the alien's status adjusted upon entry as may be necessary to carry out the provisions of this section.

"(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—For purposes of receiving applications under this section, the Attorney General—

"(A) shall designate qualified voluntary organizations and other qualified State, local, community, farm labor organizations, and associations of agricultural employers, and

"(B) may designate such other persons as the Attorney General determines are qualified and have substantial experience, demonstrated competence, and traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209 or 245, Public Law 89-732, or Public Law 95-145.

"(3) PROOF OF ELIGIBILITY.—

"(A) IN GENERAL.—An alien may establish that he meets the requirement of subsection (a)(1)(B)(ii) through government employment records, records supplied by employers or collective bargaining organizations, and such other reliable documentation as the alien may provide. The Attorney General shall establish special procedures to credit properly work in cases in which an alien was employed under an assumed name.

"(B) DOCUMENTATION OF WORK HISTORY.—(i) An alien applying for adjustment of status under subsection (a)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of man-days (as required under subsection (a)(1)(B)(ii)).

"(ii) If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Attorney General.

"(iii) An alien can meet such burden of proof if the alien establishes that the alien has in fact performed the work described in subsection (a)(1)(B)(ii) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference. In such a case, the burden then shifts to the Attorney General to disprove the alien's evidence with a showing which negates the reasonableness of the inference to be drawn from the evidence.

"(4) TREATMENT OF APPLICATIONS BY DESIGNATED ENTITIES.—Each designated entity must agree to forward to the Attorney General applications filed with it in accordance with paragraph (1)(A)(ii) but not to forward

to the Attorney General applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Attorney General.

"(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this section by designated entities operating under this section are confidential and the Attorney General and the Service shall not have access to such files or records relating to an alien without the consent of the alien.

"(6) CONFIDENTIALITY OF INFORMATION.—Neither the Attorney General, nor any other official or employee of the Department of Justice, or bureau or agency thereof, may—

"(A) use the information furnished pursuant to an application filed under this section for any purpose other than to make a determination on the application or for enforcement of paragraph (7),

"(B) make any publication whereby the information furnished by any particular individual can be identified, or

"(C) permit anyone other than the sworn officers and employees of the Department or bureau or agency or, with respect to applications filed with a designated entity, that designated entity, to examine individual applications.

Anyone who uses, publishes, or permits information to be examined in violation of this paragraph shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

"(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

"(A) CRIMINAL PENALTY.—Whoever—

"(i) files an application for adjustment of status under this section and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, or

"(ii) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

"(B) EXCLUSION.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(19).

"(c) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR EXCLUSION.—

"(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

"(2) WAIVER OF GROUNDS FOR EXCLUSION.—In the determination of an alien's admissibility under subsection (a)(1)(C)—

"(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not apply.

"(B) WAIVER OF OTHER GROUNDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Attorney General may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(ii) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of section 212(a) may not be waived by the Attorney General under clause (i):

"(I) Paragraph (9) and (10) (relating to criminals).

"(II) Paragraph (15) (relating to aliens likely to become public charges).

"(III) Paragraph (23) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana.

"(IV) Paragraphs (27), (28), and (29) (relating to national security and members of certain organizations).

"(V) Paragraph (33) (relating to those who assisted in the Nazi persecutions).

"(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

"(d) TEMPORARY STAY OF EXCLUSION OR DEPORTATION AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

"(1) BEFORE APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1) and who can establish a nonfrivolous case of eligibility to have his status adjusted under subsection (a) (but for the fact that he may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for adjustment, the alien—

"(A) may not be excluded or deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(2) DURING APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who presents a nonfrivolous application for adjustment of status under subsection (a) during the application period, and until a final determination on the application has been made in accordance with this section, the alien—

"(A) may not be excluded or deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(e) ADMINISTRATIVE AND JUDICIAL REVIEW.—

"(1) ADMINISTRATIVE AND JUDICIAL REVIEW.—There shall be no administrative or judicial review of a determination respecting an application for adjustment of status under this section except in accordance with this subsection.

"(2) ADMINISTRATIVE REVIEW.—

"(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Attorney General shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

"(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

"(3) JUDICIAL REVIEW.—

"(A) LIMITATION TO REVIEW OF EXCLUSION OR DEPORTATION.—There shall be judicial review of such a denial only in the judicial review of an order of exclusion or deportation under section 106.

"(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

"(f) TEMPORARY DISQUALIFICATION OF NEWLY LEGALIZED ALIENS FROM RECEIVING AID TO FAMILIES WITH DEPENDENT CHILDREN.—During the five-year period beginning on the date an alien was granted lawful temporary resident status under subsection (a), and notwithstanding any other provision of law, the alien is not eligible for aid under a State plan approved under part A of title IV of the Social Security Act. Notwithstanding the previous sentence, in the case of an alien who would be eligible for aid under a State plan approved under part A of title IV of the Social Security Act but for the previous sentence, the provisions of paragraph (3) of section 245A(h) shall apply in the same manner as they apply with respect to paragraph (1) of such section and, for this purpose, any reference in section 245A(h)(3) to paragraph (1) is deemed a reference to the previous sentence.

"(g) TREATMENT OF SPECIAL AGRICULTURAL WORKERS.—For all purposes (subject to subsections (b)(3) and (f)) an alien whose status is adjusted under this section to that of an alien lawfully admitted for permanent residence, such status not having changed, shall be considered to be an alien lawfully admitted for permanent residence (within the meaning of section 101(a)(20)).

"(h) SEASONAL AGRICULTURAL SERVICES DEFINED.—In this section, the term 'seasonal agricultural services' means the performance of field work related to planting, cultural practices, cultivating, growing and harvesting of fruits and vegetables of every kind and other perishable commodities, as defined in regulations by the Secretary of Agriculture.".

(2) The table of contents is amended by inserting after the item relating to section 209 the following new item:

"Sec. 210. Special agricultural workers.".

(b) CONFORMING AMENDMENTS.—(1) Section 402(f) of the Social Security Act (as added by section 201(b)(1) of this Act) is amended—

(A) by inserting "and subsection (f) of section 210 of such Act" before the period at the end of paragraph (1);

(B) by inserting "or (f)" after "such subsection (h)" in paragraph (2); and

(C) by inserting "or 210" after "such section 245A" in paragraph (2).

(2) The last sentence of section 472(a) of such Act (as added by section 201(b)(2)(A) of this Act) is amended by inserting "or 210(f)" after "245A(h)".

SEC. 303. DETERMINATIONS OF AGRICULTURAL LABOR SHORTAGES AND ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS.

(a) IN GENERAL.—Chapter 1 of title II is amended by adding after section 210 (added by section 302 of this title) the following new section:

"DETERMINATION OF AGRICULTURAL LABOR SHORTAGES AND ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS

"SEC. 210A. (a) DETERMINATION OF NEED TO ADMIT ADDITIONAL SPECIAL AGRICULTURAL WORKERS.—

"(1) IN GENERAL.—Before the beginning of each fiscal year (beginning with fiscal year 1990 and ending with fiscal year 1993), the Secretaries of Labor and Agriculture (in this section referred to as the 'Secretaries') shall jointly determine the number (if any) of additional aliens who should be admitted to the United States or who should otherwise acquire the status of aliens lawfully admitted for temporary residence under this section during the fiscal year to meet a shortage of workers to perform seasonal agricultural services in the United States during the year. Such number is, in this section, referred to as the 'shortage number'.

"(2) OVERALL DETERMINATION.—The shortage number is—

"(A) the anticipated need for special agricultural workers (as determined under paragraph (4)) for the fiscal year, minus

"(B) the supply of such workers (as determined under paragraph (5)) for that year,

divided by the factor (determined under paragraph (6)) for man-days per worker.

"(3) NO REPLENISHMENT IF NO SHORTAGE.—In determining the shortage number, the Secretaries may not determine that there is a shortage unless, after considering all of the criteria set forth in paragraphs (4) and (5), the Secretaries determine that there will not be sufficient able, willing, and qualified workers available to perform seasonal agricultural services required in the fiscal year involved.

"(4) DETERMINATION OF NEED.—For purposes of paragraph (2)(A), the anticipated need for special agricultural workers for a fiscal year is determined as follows:

"(A) BASE.—The Secretaries shall jointly estimate, using statistically valid methods, the number of man-days of labor performed in seasonal agricultural services in the United States in the previous fiscal year.

"(B) ADJUSTMENT FOR CROP LOSSES AND CHANGES IN INDUSTRY.—The Secretaries shall jointly—

"(i) increase such number by the number of man-days of labor in seasonal agricultural services in the United States that would have been needed in the previous fiscal year to avoid any crop damage or other loss that resulted from the unavailability of labor, and

"(ii) adjust such number to take into account the projected growth or contraction in the requirements for seasonal agricultural services as a result of—

"(I) growth or contraction in the seasonal agriculture industry, and

"(II) the use of technologies and personnel practices that affect the need for, and retention of, workers to perform such services.

"(5) DETERMINATION OF SUPPLY.—For purposes of paragraph (2)(B), the anticipated supply of special agricultural workers for a fiscal year is determined as follows:

"(A) BASE.—The Secretaries shall use the number estimated under paragraph (4)(A).

"(B) ADJUSTMENT FOR RETIREMENTS AND INCREASED RECRUITMENT.—The Secretaries shall jointly—

"(i) decrease such number by the number of man-days of labor in seasonal agricultural services in the United States that will be lost due to retirement and movement of workers out of performance of seasonal agricultural services, and

"(ii) increase such number by the number of additional man-days of labor in seasonal agricultural services in the United States that can reasonably be expected to result from the availability of able, willing, qualified, and unemployed special agricultural workers, rural low skill, or manual, laborers, and domestic agricultural workers.

"(C) BASES FOR INCREASED NUMBER.—In making the adjustment under subparagraph (B)(ii), the Secretaries shall consider—

"(i) the effect, if any, that improvements in wages and working conditions offered by employers will have on the availability of workers to perform seasonal agricultural services, taking into account the adverse effect, if any, of such improvements in wages and working conditions on the economic competitiveness of the perishable agricultural industry,

"(ii) the effect, if any, of enhanced recruitment efforts by the employers of such workers and government employment services in the traditional and expected areas of supply of such workers, and

"(iii) the number of able, willing and qualified individuals who apply for employment opportunities in seasonal agricultural services listed with offices of government employment services.

"(D) CONSTRUCTION.—Nothing in this subsection shall be deemed to require any individual employer to pay any specified level of wages, to provide any specified working conditions, or to provide for any specified recruitment of workers.

"(6) DETERMINATION OF MAN-DAY PER WORKER FACTOR.—

"(A) FISCAL YEAR 1990.—For fiscal year 1990—

"(i) IN GENERAL.—Subject to clause (ii), for purposes of paragraph (2) the factor under this paragraph is the average number, as estimated by the Director of the Bureau of the Census under subsection (b)(3)(A)(ii), of man-days of seasonal agricultural services performed in the United States in fiscal year 1989 by special agricultural workers whose status is adjusted under section 210 and who performed seasonal agricultural services in the United States at any time during the fiscal year.

"(ii) LACK OF ADEQUATE INFORMATION.—If the Director determines that—

"(I) the information reported under subsection (b)(2)(A) is not adequate to make a reasonable estimate of the average number described in clause (i), but

"(II) the inadequacy of the information is not due to the refusal or failure of employers to report the information required under subsection (b)(2)(A),

the factor under this paragraph is 90.

"(B) FISCAL YEAR 1991.—For purposes of paragraph (2) for fiscal year 1991, the factor under this paragraph is the average number, as estimated by the Director of the Bureau of the Census under subsection (b)(3)(A)(ii), of man-days of seasonal agricultural services performed in the United States in fiscal year 1990 by special agricultural workers who obtained lawful temporary resident status under this section.

"(C) FISCAL YEARS 1992 AND 1993.—For purposes of paragraph (2) for fiscal years 1992 and 1993, the factor under this paragraph is the average number, as estimated by the Director of the Bureau of the Census under subsection (b)(3)(A)(ii), of man-days of seasonal agricultural services performed in the United States in each of the two previous fiscal years by special agricultural workers who obtained lawful temporary resident status under this section during either of such fiscal years.

"(7) EMERGENCY PROCEDURE FOR INCREASE IN SHORTAGE NUMBER.—

"(A) REQUESTS.—After the beginning of a fiscal year, a group or association representing employers (and potential employers) of individuals who perform seasonal agricultural services may request the Secretaries to increase the shortage number for the fiscal year based upon a showing that extraordinary, unusual, and unforeseen circumstances have resulted in a significant increase in the shortage number due to (i) a significant increase in the need for special agricultural workers in the year, (ii) a significant decrease in the availability of able, willing, and qualified workers to perform seasonal agricultural services, or (iii) a significant decrease (below the factor used for purposes of paragraph (6)) in the number of man-days of seasonal agricultural services performed by aliens who were recently admitted (or whose status was recently adjusted) under this section.

"(B) NOTICE OF EMERGENCY PROCEDURE.—Not later than 3 days after the date the Secretaries receive a request under subparagraph (A), the Secretaries shall provide for notice in the Federal Register of the substance of the request and shall provide an opportunity for interested parties to submit information to the Secretaries on a timely basis respecting the request.

"(C) PROMPT DETERMINATION ON REQUEST.—The Secretaries, not later than 21 days after the date of the receipt of such a request and after consideration of any information submitted on a timely basis with respect to the request, shall make and publish in the Federal Register their determination on the request. The request shall be granted, and the shortage number for the fiscal year shall be increased, to the extent that the Secretaries determine that such an increase is justified based upon the showing and circumstances described in subparagraph (A) and that such an increase takes into account reasonable recruitment efforts having been undertaken.

"(8) PROCEDURE FOR DECREASING MAN-DAYS OF SEASONAL AGRICULTURAL SERVICES REQUIRED IN THE CASE OF OVER-SUPPLY OF WORKERS.—

"(A) REQUESTS.—After the beginning of a fiscal year, a group of special agricultural workers may request the Secretaries to decrease the number of man-days required under subparagraphs (A) and (B) of subsection (d)(2) with respect to the fiscal year based upon a showing that extraordinary, unusual, and unforeseen circumstances have resulted in a significant decrease in the shortage number due to (i) a significant decrease in the need for special agricultural workers in the year, (ii) a significant increase in the availability of able, willing, and qualified workers to perform seasonal agricultural services, or (iii) a significant increase (above the factor used for purposes of paragraph (6)) in the number of man-days of seasonal agricultural services performed by aliens who were recently admitted (or whose status was recently adjusted) under this section.

"(B) NOTICE OF REQUEST.—Not later than 3 days after the date the Secretaries receive a request under subparagraph (A), the Secretaries shall provide for notice in the Federal Register of the substance of the request and shall provide an opportunity for interested parties to submit information to the Secretaries on a timely basis respecting the request.

"(C) DETERMINATION ON REQUEST.—The Secretaries, before the end of the fiscal year involved and after consideration of any in-

formation submitted on a timely basis with respect to the request, shall make and publish in the Federal Register their determination on the request. The request shall be granted, and the number of man-days specified in subparagraphs (A) and (B) of subsection (d)(2) for the fiscal year shall be reduced by the same proportion as the Secretaries determine that a decrease in the shortage number is justified based upon the showing and circumstances described in subparagraph (A).

"(b) ANNUAL NUMERICAL LIMITATION ON ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS.—

"(1) ANNUAL NUMERICAL LIMITATION.—

"(A) FISCAL YEAR 1990.—The numerical limitation on the number of aliens who may be admitted under subsection (c)(1) or who otherwise may acquire lawful temporary residence under such subsection for fiscal year 1990 is—

"(i) 95 percent of the number of individuals whose status was adjusted under section 210(a), minus

"(ii) the number estimated under paragraph (3)(A)(i) for fiscal year 1989 (as adjusted in accordance with subparagraph (C)).

"(B) FISCAL YEARS 1991, 1992, AND 1993.—The numerical limitation on the number of aliens who may be admitted under subsection (c)(1) or who otherwise may acquire lawful temporary residence under such subsection for fiscal years 1991, 1992, or 1993 is—

"(i) 90 percent of the number described in this clause for the previous fiscal year (or, for fiscal year 1991, the number described in subparagraph (A)(i)), minus

"(ii) the number estimated under paragraph (3)(A)(i) for the previous fiscal year (as adjusted in accordance with subparagraph (C)).

"(C) ADJUSTMENT TO TAKE INTO ACCOUNT CHANGE IN NUMBER OF H-2 AGRICULTURAL WORKERS.—The number used under subparagraph (A)(ii) or (B)(ii) (as the case may be) shall be increased or decreased to reflect any numerical increase or decrease, respectively, in the number of aliens admitted to perform temporary seasonal agricultural services (as defined in subsection (g)(2)) under section 101(a)(15)(H)(ii)(a) in the fiscal year compared to such number in the previous fiscal year.

"(2) REPORTING OF INFORMATION ON EMPLOYMENT.—In the case of a person or entity who employs, during a fiscal year (beginning with fiscal year 1989 and ending with fiscal year 1992) in seasonal agricultural services, a special agricultural worker—

"(A) whose status was adjusted under section 210, the person or entity shall furnish an official designated by the Secretaries with a certificate (at such time, in such form, and containing such information as the Secretaries establish, after consultation with the Attorney General and the Director of the Bureau of the Census) of the number of man-days of employment performed by the alien in seasonal agricultural services during the fiscal year, or

"(B) who was admitted or whose status was adjusted under this section, the person or entity shall furnish the alien and an official designated by the Secretaries with a certificate (at such time, in such form, and containing such information as the Secretaries establish, after consultation with the Attorney General and the Director of the Bureau of the Census) of the number of man-days of employment performed by the alien in seasonal agricultural services during the fiscal year.

"(3) ANNUAL ESTIMATE OF EMPLOYMENT OF SPECIAL AGRICULTURAL WORKERS.—

"(A) IN GENERAL.—The Director of the Bureau of the Census shall, before the end of each fiscal year (beginning with fiscal year 1989 and ending with fiscal year 1992), estimate—

"(i) the number of special agricultural workers who have performed seasonal agricultural services in the United States at any time during the fiscal year, and

"(ii) for purposes of subsection (a)(5), the average number of man-days of such services certain of such workers have performed in the United States during the fiscal year.

"(B) FURNISHING OF INFORMATION TO DIRECTOR.—The offical designated by the Secretaries under paragraph (2) shall furnish to the Director, in such form and manner as the Director specifies, information contained in the certifications furnished to the official under paragraph (2).

"(C) BASIS FOR ESTIMATES.—The Director shall base the estimates under subparagraph (A) on the information furnished under subparagraph (B), but shall take into account (to the extent feasible) the underreporting or duplicate reporting of special agricultural workers who have performed seasonal agricultural services at any time during the fiscal year. The Director shall periodically conduct appropriate surveys, of agricultural employers and others, to ascertain the extent of such underreporting or duplicate reporting.

"(D) REPORT.—The Director shall annually prepare and report to the Congress information on the estimates made under this paragraph.

"(c) ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS.—

"(1) IN GENERAL.—For each fiscal year (beginning with fiscal year 1990 and ending with fiscal year 1993), the Attorney General shall provide for the admission for lawful temporary resident status, or for the adjustment of status to lawful temporary resident status, of a number of aliens equal to the shortage number (if any, determined under subsection (a)) for the fiscal year, or, if less, the numerical limitation established under subsection (b)(1) for the fiscal year. No such alien shall be admitted who is not admissible to the United States as an immigrant, except as otherwise provided under subsection (e).

"(2) ALLOCATION OF VISAS.—The Attorney General shall, in consultation with the Secretary of State, provide such process as may be appropriate for aliens to petition for immigrant visas or to adjust status to become aliens lawfully admitted for temporary residence under this subsection. No alien may be issued a visa as an alien to be admitted under this subsection or may have the alien's status adjusted under this subsection unless the alien has had a petition approved under this paragraph.

"(d) RIGHTS OF ALIENS ADMITTED OR ADJUSTED UNDER THIS SECTION.—

"(1) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall adjust the status of any alien provided lawful temporary resident status under subsection (c) to that of an alien lawfully admitted for permanent residence at the end of the 3-year period that begins on the date the alien was granted such temporary resident status.

"(2) TERMINATION OF TEMPORARY RESIDENCE.—During the period of temporary resident status granted an alien under subsection (c), the Attorney General may terminate such status only upon a determination under this Act that the alien is deportable.

"(3) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—During the period an alien is in lawful temporary resident status granted under this section, the alien has the right to travel abroad (including commutation from a residence abroad) and shall be granted authorization to engage in employment in the United States and shall be provided an 'employment authorized' endorsement or other appropriate work permit, in the same manner as for aliens lawfully admitted for permanent residence.

"(4) IN GENERAL.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under subsection (c), such status not having changed, is considered to be an alien lawfully admitted for permanent residence (as described in section 101(a)(20)), other than under any provision of the immigration laws.

"(5) EMPLOYMENT IN SEASONAL AGRICULTURAL SERVICES REQUIRED.—

"(A) FOR 3 YEARS TO AVOID DEPORTATION.—In order to meet the requirement of this paragraph (for purposes of this subsection and section 241(a)(20)), an alien, who has obtained the status of an alien lawfully admitted for temporary residence under this section, must establish to the Attorney General that the alien has performed 90 man-days of seasonal agricultural services—

"(i) during the one-year period beginning on the date the alien obtained such status,

"(ii) during the one-year period beginning one year after the date the alien obtained such status, and

"(iii) during the one-year period beginning two years after the date the alien obtained such status.

"(B) FOR 5 YEARS FOR NATURALIZATION.—Notwithstanding any provision in title III, an alien admitted under this section may not be naturalized as a citizen of the United States under that title unless the alien has performed 90 man-days of seasonal agricultural services in each of 5 fiscal years (not including any fiscal year before the fiscal year in which the alien was admitted under this section).

"(C) PROOF.—In meeting the requirements of subparagraphs (A) and (B), an alien may submit such documentation as may be submitted under section 210(b)(3).

"(D) ADJUSTMENT OF NUMBER OF MAN-DAYS REQUIRED.—The number of man-days specified in subparagraphs (A) and (B) are subject to adjustment under subsection (a)(8).

"(7) DISQUALIFICATION FROM CERTAIN PUBLIC ASSISTANCE.—The provisions of section 245A(h) (other than paragraph (1)(A)(iii)) shall apply to an alien who has obtained the status of an alien lawfully admitted for temporary residence under this section, during the five-year period beginning on the date the alien obtained such status, in the same manner as they apply to an alien granted lawful temporary residence under section 245A; except that, for purposes of this paragraph, assistance furnished under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) shall not be construed to be financial assistance described in section 245A(h)(1)(A)(i).

"(e) DETERMINATION OF ADMISSIBILITY OF ADDITIONAL WORKERS.—In the determination of an alien's admissibility under subsection (c)(1)—

"(1) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not apply.

"(2) WAIVER OF CERTAIN GROUNDS FOR EXCLUSION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Attorney General may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(B) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of section 212(a) may not be waived by the Attorney General under subparagraph (A):

"(i) Paragraphs (9) and (10) (relating to criminals).

"(ii) Paragraph (23) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana.

"(iii) Paragraphs (27), (28), and (29) (relating to national security and members of certain organizations).

"(iv) Paragraph (33) (relating to those who assisted in the Nazi persecutions).

"(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

"(3) MEDICAL EXAMINATION.—The alien shall be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

"(f) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

"(1) EQUAL TRANSPORTATION FOR DOMESTIC WORKERS.—If a person employs an alien, who was admitted or whose status is adjusted under subsection (c), in the performance of seasonal agricultural services and provides transportation arrangements or assistance for such workers, the employer must provide the same transportation arrangements or assistance (generally comparable in expense and scope) for other individuals employed in the performance of seasonal agricultural services.

"(2) PROHIBITION OF FALSE INFORMATION BY CERTAIN EMPLOYERS.—A farm labor contractor, agricultural employer, or agricultural association who is an exempt person (as defined in paragraph (5)) shall not knowingly provide false or misleading information to an alien who was admitted or whose status was adjusted under subsection (c) concerning the terms, conditions, or existence of agricultural employment (described in subsection (a), (b), or (c) of section 301 of MASAWPA).

"(3) PROHIBITION OF DISCRIMINATION BY CERTAIN EMPLOYERS.—In the case of an exempt person and with respect to aliens who have been admitted or whose status has been adjusted under subsection (c), the provisions of section 505 of MASAWPA shall apply to any proceeding under or related to (and rights and protections afforded by) this section in the same manner as they apply to proceedings under or related to (and rights and protections afforded by) MASAWPA.

"(4) ENFORCEMENT.—If a person or entity—

"(A) fails to furnish a certificate required under subsection (b)(2) or furnishes false statement of a material fact in such a certificate,

"(B) violates paragraph (1) or (2), or

"(C) violates the provisions of section 505(a) of MASAWPA (as they apply under paragraph (3)),

the person or entity is subject to a civil money penalty under section 503 of MASAWPA in the same manner as if the person or entity had committed a violation of MASAWPA.

"(5) SPECIAL DEFINITIONS.—In this subsection:

"(A) MASAWPA.—The term 'MASAWPA' means the Migrant and Seasonal Agricultural Worker Protection Act (Public Law 97-470).

"(B) The term 'exempt person' means a person or entity who would be subject to the provisions of MASAWPA but for paragraph (1) or (2), or both, of section 4(a) of MASAWPA.

"(g) GENERAL DEFINITIONS.—In this section:

"(1) The term 'special agricultural worker' means an individual, regardless of present status, whose status was at any time adjusted under section 210 or who at any time was admitted or had the individual's status adjusted under subsection (c).

"(2) The term 'seasonal agricultural services' has the meaning given such term in section 210(h).

"(3) The term 'Director' refers to the Director of the Bureau of the Census.

"(4) The term 'man-day' means, with respect to seasonal agricultural services, the performance during a calendar day of at least 4 hours of seasonal agricultural services.".

(b) DEPORTATION OF CERTAIN WORKERS WHO FAIL TO PERFORM SEASONAL AGRICULTURAL SERVICES.—Section 241(a) (8 U.S.C. 1251(a)) is amended—

(1) by striking out "or" at the end of paragraph (18),

(2) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; or", and

(3) by adding at the end the following new paragraph:

"(20) obtains the status of an alien who becomes lawfully admitted for temporary residence under section 210A and fails to meet the requirement of section 210A(d)(6)(A) by the end of the applicable period.".

(c) APPLICATION OF CERTAIN STATE ASSISTANCE PROVISIONS.—For purposes of section 204 of this Act (relating to State legalization assistance), the term "eligible legalized alien" includes an alien who becomes an alien lawfully admitted for permanent or temporary residence under section 210 or 210A of the Immigration and Nationality Act, but only until the end of the 5-year period beginning on the date the alien was first granted permanent or temporary resident status.

(d) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 210 (as inserted by section 302) the following new item:

"Sec. 210A. Determination of agricultural labor shortages and admission of additional special agricultural workers.".

(e) CONFORMING AMENDMENTS.—(1) Section 402(f) of the Social Security Act (as added by section 201(b)(1) of this Act and amended by section 302(b)(1) of this Act) is further amended—

(A) by striking out "and subsection (f) of section 210 of such Act" in paragraph (1) and inserting in lieu thereof ", subsection (f) of section 210 of such Act, and subsection (d)(7) of section 210A of such Act";

(B) by striking out "such subsection (h) or (f)" in paragraph (2) and inserting in lieu thereof "such subsection (h), (f), or (d)(7)"; and

(C) by striking out "such section 245A or 210" in paragraph (2) and inserting in lieu thereof "such section 245A, 210, or 210A".

(2) The last sentence of section 472(a) of such Act (as added by section 201(b)(2)(A) of this Act and amended by section 302(b)(2) of this Act) is further amended by striking out "245A(h) or 210(f)" and inserting in lieu thereof "245A(h), 210(f), or 210A(d)(7)".

SEC. 304. COMMISSION ON AGRICULTURAL WORKERS.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—(1) There is established a Commission on Agricultural Workers (hereinafter in this section referred to as the "Commission"), to be composed of 12 members—

(A) six to be appointed by the President,

(B) three be appointed by the Speaker of the House of Representatives, and

(C) three to be appointed by the President pro tempore of the Senate.

(2) In making appointments under paragraph (1)(A), the President shall consult—

(A) with the Attorney General in appointing two members,

(B) with the Secretary of Labor in appointing two members, and

(C) with the Secretary of Agriculture in appointing two members.

(3) A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(4) Members shall be appointed to serve for the life of the Commission.

(b) FUNCTIONS OF COMMISSION.—(1) The Commission shall review the following:

(A) The impact of the special agricultural worker provisions on the wages and working conditions of domestic farmworkers, on the adequacy of the supply of agricultural labor, and on the ability of agricultural workers to organize.

(B) The extent to which aliens who have obtained lawful permanent or temporary resident status under the special agricultural worker provisions continue to perform seasonal agricultural services and the requirement that aliens who become special agricultural workers under section 210A of the Immigration and Nationality Act perform 60 man-days of seasonal agricultural services for certain periods in order to avoid deportation or to become naturalized.

(C) The impact of the legalization program and the employers' sanctions on the supply of agricultural labor.

(D) The extent to which the agricultural industry relies on the employment of a temporary workforce.

(E) The adequacy of the supply of agricultural labor in the United States and whether this supply needs to be further supplemented with foreign labor and the appropriateness of the numerical limitation on additional special agricultural workers imposed under section 210A(b) of the Immigration and Nationality Act.

(F) The extent of unemployment and underemployment of farmworkers who are United States citizens or aliens lawfully admitted for permanent residence.

(G) The extent to which the problems of agricultural employers in securing labor are

related to the lack of modern labor-management techniques in agriculture.

(H) Whether certain geographic regions need special programs or provisions to meet their unique needs for agricultural labor.

(I) Impact of the special agricultural worker provisions on the ability of crops harvested in the United States to compete in international markets.

(2) The Commission shall conduct an overall evaluation of the special agricultural worker provisions, including the process for determining whether or not an agricultural labor shortage exists.

(c) REPORT TO CONGRESS.—The Commission shall report to the Congress not later than five years after the date of the enactment of this Act on its reviews under subsection (b). The Commission shall include in its report recommendations for appropriate changes that should be made in the special agricultural worker provisions.

(d) COMPENSATION OF MEMBERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government is entitled to receive, subject to such amounts as are provided in advance in appropriations Acts, the daily equivalent of the minimum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which the member is engaged in the actual performance of duties of the Commission. Each member of the Commission who is such an officer or employee shall serve without additional pay.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(e) MEETINGS OF COMMISSION.—(1) Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) The Chairman and the Vice Chairman of the Commission shall be elected by the members of the Commission for the life of the Commission.

(3) The Commission shall meet at the call of the Chairman or a majority of its members.

(f) STAFF.—(1) The Chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to enable the Commission to carry out its functions, without regard to the laws, rules, and regulations governing appointment in the competitive service. Any Federal employee subject to those laws, rules, and regulations may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(2) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-18 of the General Schedule.

(g) AUTHORITY OF COMMISSION.—(1) The Commission may for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate.

(2) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission.

(3) The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(2) Notwithstanding any other provision of this section, the authority to make payments, or to enter into contracts, under this section shall be effective only to such extent, or in such amounts, as are provided in advance in appropriations Acts.

(i) TERMINATION DATE.—The Commission shall cease to exist at the end of the 63-month period beginning with the month after the month in which this Act is enacted.

(j) DEFINITIONS.—In this section:

(1) The term "employer sanctions" means the provisions of section 274A of the Immigration and Nationality Act.

(2) The term "legalization program" refers to the provisions of section 245A of the Immigration and Nationality Act.

(3) The term "seasonal agricultural services" has the meaning given such term in section 210(h) of the Immigration and Nationality Act.

(4) The term "special agricultural worker provisions" refers to sections 210 and 210A of the Immigration and Nationality Act.

SEC. 305. ELIGIBILITY OF CERTAIN AGRICULTURAL WORKERS FOR LEGAL ASSISTANCE.

A nonimmigrant worker admitted to or permitted to remain in the United States for agricultural labor or service shall be considered to be an alien described in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)) for purposes of establishing eligibility for legal assistance under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.).

PART B—OTHER CHANGES IN THE IMMIGRATION LAW

SEC. 311. CHANGE IN COLONIAL QUOTA.

(a) INCREASE TO 5,000.—(1) Section 202(c) (8 U.S.C. 1152(c)) is amended by striking out "six hundred" and inserting in lieu thereof "5,000".

(2) Section 202(e) (8 U.S.C. 1152(e)) is amended by striking out "600" and inserting in lieu thereof "5,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to fiscal years beginning after the date of the enactment of this Act.

SEC. 312. STUDENTS.

(a) REQUIRING TWO-YEAR FOREIGN RESIDENCE FOR MOST FOREIGN STUDENTS.—Section 212(e) (8 U.S.C. 1182(e)) is amended—

(1) by striking out "(e) No person" and inserting in lieu thereof "(e)(1) No person (A)",

(2) by inserting after "training," the following: "or (B) except as provided in paragraph (2), admitted under subparagraph (F) or (M) of section 101(a)(15) or acquiring such status after admission,",

(3) by striking out "clause (iii)" in the second proviso and inserting in lieu thereof "clause (A)(iii) or clause (B) of paragraph (1)",

(4) by striking out ": *Provided*, That upon" and inserting in lieu thereof ". Upon",

(5) by striking out ": *And provided further*, That except" and inserting in lieu thereof ". Except", and

(6) by designating the second and third sentences (as so amended) as paragraphs (2) and (3), respectively,

(7) by adding at the end the following new paragraphs:

"(4) The Attorney General may waive such two-year foreign residence requirement in the case of an alien described in clause (B) of paragraph (1) who is an immediate relative (as specified in section 201(b)).

"(5) The Attorney General, in the case of an alien described in clause (B) of paragraph (1) who has the status of a nonimmigrant under section 101(a)(15)(F), may waive such two-year foreign residence requirement if the Attorney General determines that the waiver is in the public interest and that the alien—

"(A) is applying for a visa as an immigrant described in paragraph (3) or (6) of section 203(a) and meets the requirements of paragraph (6), or

"(B) is applying for a visa as a nonimmigrant described in section 101(a)(15)(H)(iii) and meets the requirements of paragraph (7).

"(6) An alien meets the requirements of this paragraph if the alien—

"(A) is admitted to the United States under section 101(a)(15)(F) before October 1, 1992, and

"(B) has obtained—

"(i) has obtained an advanced degree from a college or university in the United States and has been offered a position on the faculty (including as a researcher) of a college or university in the United States in the field in which he obtained the degree,

"(ii) a degree in a natural science, mathematics, computer science, or an engineering field from a college or university in the United States and has been offered a research, business, or technical position by a employer in the field in which he obtained the degree, or

"(iii) an advanced degree in business or economics from a college or university in the United States, has exceptional ability in business or economics, and has been offered a research, business, or technical position by a United States employer which requires such exceptional ability,

and has received a certification under section 212(a)(14) with respect to the position.

"(7) An alien meets the requirements of this paragraph if the alien—

"(A) has obtained a degree in a natural science, mathematics, computer science, or an engineering or business field;

"(B) will receive no more than four years of training by a firm, corporation, or other legal entity in the United States, which training will enable the alien to return to the country of his nationality or last residence and be employed there as a manager by the same firm, corporation, or other legal entity, or a branch, subsidiary, or affiliate thereof; and

"(C) furnishes the Attorney General each year with an affidavit (in such form as the Attorney General shall prescribe) that attests that the alien (i) is in good standing in the training program in which the alien is participating, and (ii) will return to the country of his nationality or last residence upon completion of the training program.".

(b) PROHIBITING ADJUSTMENT OF STATUS OF MOST STUDENT ENTRANTS.—Section 245(c) (8 U.S.C. 1255(c)) is amended by striking out "or" before "(3)" and by inserting before the period at the end the following: ", or (4) an alien (other than an immediate relative specified in section 201(b) or an alien who has received a waiver of the two-year foreign residence requirement of section 212(e)(1)) who entered the United States classified as a nonimmigrant under subparagraph (F) or (M) of section 101(a)(15)".

(c) NOT COUNTING PERIOD OF PRESENCE FOR SUSPENSION OF DEPORTATION.—Section 244(b) (8 U.S.C. 1254(b)) is amended—

(1) by striking out "(b)" and inserting in lieu thereof "(b)(1)", and

(2) by adding at the end the following new paragraph:

"(2) In determining the period of continuous physical presence in the United States under subsection (a), there shall not be included any period in which the alien was in the United States as—

"(A) a nonimmigrant described in subparagraph (F) or (M) of section 101(a)(15), or

"(B) a nonimmigrant described in section 101(a)(15)(H)(iii), pursuant to a waiver under section 212(e)(5)(B).".

(d) EFFECTIVE DATES.—(1) The amendments made by subsection (a) apply to aliens admitted to the United States as a nonimmigrant described in subparagraph (F) or (M) of section 101(a)(15) of the Immigration and Nationality Act after the date of the enactment of this Act or who otherwise acquire such status after such date.

(2) The amendments made by subsection (b) apply to aliens without regard to the date the aliens enter the United States.

(3) The amendments made by subsection (c) apply to periods occurring on or after the date of the enactment of this Act and shall not have the effect of excluding (in the determination of a period of continuous physical presence in the United States) any period before the date of the enactment of this Act.

SEC. 313. G-IV SPECIAL IMMIGRANTS.

(a) SPECIAL IMMIGRANT STATUS FOR CERTAIN OFFICERS AND EMPLOYEES OF INTERNATIONAL ORGANIZATIONS AND THEIR IMMEDIATE FAMILY MEMBERS.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended by striking out "or" at the end of subparagraph (G), by striking out the period at the end of subparagraph (H) and inserting in lieu thereof "; or", and by adding at the end of the following new subparagraph:

"(I)(i) an immigrant who is the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least seven years between the ages of five and 21 years, and (II) applies for admission under this subparagraph no later than his twenty-fifth birthday or six months after the date this subparagraph is enacted, whichever is later;

"(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the death of such officer or employee, and (II) applies for admission under this subparagraph no later than six months after the date of such death or six months after the date this subparagraph is enacted, whichever is later;

"(iii) an immigrant who is a retired officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the officer or employee's retirement from any such international organization, and (II) applies for admission under this subparagraph before January 1, 1993, and no later than six months after the date of such retirement or six months after the date this subparagraph is enacted, whichever is later; or

"(iv) an immigrant who is the spouse of a retired officer or employee accorded the status of special immigrant under clause (iii), accompanying or following to join such retired officer or employee as a member of his immediate family.".

(b) NONIMMIGRANT STATUS FOR CERTAIN PARENTS AND CHILDREN OF ALIENS GIVEN SPECIAL IMMIGRANT STATUS.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amended by striking out "or" at the end of subparagraph (L), by striking out the period at the end of subparagraph (M) and inserting in lieu thereof "; or", and by adding at the end the following new paragraph:

"(N)(i) the parent of an alien accorded the status of special immigrant under paragraph (27)(I)(i), but only if and while the alien is a child, or

"(ii) a child of such parent or of an alien accorded the status of a special immigrant under clause (ii), (iii), or (iv) of paragraph (27)(I).".

SEC. 314. VISA WAIVER PILOT PROGRAM FOR CERTAIN VISITORS.

(a) ESTABLISHING VISA WAIVER PILOT PROGRAM.—Chapter 2 of title II, as amended by section 301(c), is further amended by adding after section 216 the following new section:

"VISA WAIVER PILOT PROGRAM FOR CERTAIN VISITORS

"SEC. 217. (a) ESTABLISHMENT OF PILOT PROGRAM.—The Attorney General and the Secretary of State are authorized to establish a pilot program (hereafter in this section referred to as the 'pilot program') under which the requirement of paragraph (26)(B) of section 212(a) may be waived by the Attorney General and the Secretary of State, acting jointly and in accordance with this section, in the case of an alien who meets the following requirements:

"(1) SEEKING ENTRY AS TOURIST FOR 90 DAYS OR LESS.—The alien is applying for admission during the pilot program period (as defined in subsection (e)) as a nonimmigrant visitor (described in section 101(a)(15)(B)) for a period not exceeding 90 days.

"(2) NATIONAL OF PILOT PROGRAM COUNTRY.—The alien is a national of a country which—

"(A) extends (or agrees to extend) reciprocal privileges to citizens and nationals of the United States, and

"(B) is designated as a pilot program country under subsection (c).

"(3) EXECUTES ENTRY CONTROL AND WAIVER FORMS.—The alien before the time of such admission—

"(A) completes such immigration form as the Attorney General shall establish under subsection (b)(3), and

"(B) executes a waiver of review and appeal described in subsection (b)(4).

"(4) ROUND-TRIP TICKET.—The alien has a round-trip, nontransferable transportation ticket which—

"(A) is valid for a period of not less than one year,

"(B) is nonrefundable except in the country in which issued or in the country of the alien's nationality or residence,

"(C) is issued by a carrier which has entered into an agreement described in subsection (d), and

"(D) guarantees transport of the alien out of the United States at the end of the alien's visit.

"(5) NOT A SAFETY THREAT.—The alien has been determined not to represent a threat to the welfare, health, safety, or security of the United States.

"(6) NO PREVIOUS VIOLATION.—If the alien previously was admitted without a visa under this section, the alien must not have failed to comply with the conditions of any previous admission as such a nonimmigrant.

"(b) CONDITIONS BEFORE PILOT PROGRAM CAN BE PUT INTO OPERATION.—

"(1) PRIOR NOTICE TO CONGRESS.—The pilot program may not be put into operation until the end of the 30-day period beginning on the date that the Attorney General submits to the Congress a certification that the screening and monitoring system described in paragraph (2) is operational and effective and that the form described in paragraph (3) has been produced.

"(2) AUTOMATED DATA ARRIVAL AND DEPARTURE SYSTEM.—The Attorney General in cooperation with the Secretary of State shall develop and establish an automated data arrival and departure control system to screen and monitor the arrival into and departure from the United States of nonimmigrant visitors receiving a visa waiver under the pilot program.

"(3) VISA WAIVER INFORMATION FORM.—The Attorney General shall develop a form for use under the pilot program. Such form shall be consistent and compatible with the control system developed under paragraph (2). Such form shall provide for, among other items—

"(A) a summary description of the conditions for excluding nonimmigrant visitors from the United States under section 212(a) and under the pilot program,

"(B) a description of the conditions of entry with a waiver under the pilot program, including the limitation of such entry to 90 days and the consequences of failure to abide by such conditions, and

"(C) questions for the alien to answer concerning any previous denial of the alien's application for a visa.

"(4) WAIVER OF RIGHTS.—An alien may not be provided a waiver under the pilot program unless the alien has waived any right—

"(A) to review or appeal under this Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States, or

"(B) to contest, other than on the basis of an application for asylum, any action for deportation against the alien.

"(c) DESIGNATION OF PILOT PROGRAM COUNTRIES.—

"(1) UP TO 8 COUNTRIES.—The Attorney General and the Secretary of State acting jointly may designate up to eight countries as pilot program countries for purposes of the pilot program.

"(2) INITIAL QUALIFICATIONS.—For the initial period described in paragraph (4), a country may not be designated as a pilot program country unless the following requirements are met:

"(A) LOW NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(B) LOW NONIMMIGRANT VISA REFUSAL RATE FOR EACH OF 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(3) CONTINUING AND SUBSEQUENT QUALIFICATIONS.—For each fiscal year (within the pilot program period) after the initial period—

"(A) CONTINUING QUALIFICATION.—In the case of a country which was a pilot program country in the previous fiscal year, a country may not be designated as a pilot program country unless the sum of—

"(i) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

"(ii) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

"(B) NEW COUNTRIES.—In the case of another country, the country may not be designated as a pilot program country unless the following requirements are met:

"(i) LOW NONIMMIGRANT VISA REFUSAL RATE IN PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(ii) LOW NONIMMIGRANT VISA REFUSAL RATE IN EACH OF THE 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(4) INITIAL PERIOD.—For purposes of paragraphs (2) and (3), the term 'initial period' means the period beginning at the end of the 30-day period described in subsection (b)(1) and ending on the last day of the first fiscal year which begins after such 30-day period.

"(d) CARRIER AGREEMENTS.—

"(1) IN GENERAL.—The agreement referred to in subsection (a)(4)(C) is an agreement between a carrier and the Attorney General under which the carrier agrees, in consideration of the waiver of the visa requirement with respect to a nonimmigrant visitor under the pilot program—

"(A) to indemnify the United States against any costs for the transportation of the alien from the United States if the visitor is refused admission to the United States or remains in the United States unlawfully after the 90-day period described in subsection (a)(1)(A), and

"(B) to submit daily to immigration officers any immigration forms received with respect to nonimmigrant visitors provided a waiver under the pilot program.

"(2) TERMINATION OF AGREEMENTS.—The Attorney General may terminate an agreement under paragraph (1) with five days' notice to the carrier for the carrier's failure to meet the terms of such agreement.

"(e) DEFINITION OF PILOT PROGRAM PERIOD.—For purposes of this section, the term 'pilot program period' means the period beginning at the end of the 30-day period referred to in subsection (b)(1) and ending on the last day of the third fiscal year which begins after such 30-day period.".

(b) LIMITATION ON STAY IN UNITED STATES.—Section 214(a) (8 U.S.C. 1184(a)) is amended by adding at the end the following new sentence: "No alien admitted to the United States without a visa pursuant to section 217 may be authorized to remain in the United States as a nonimmigrant visitor for a period exceeding 90 days from the date of admission.".

(c) PROHIBITION OF ADJUSTMENT TO IMMIGRANT STATUS.—Section 245(c) (8 U.S.C. 1255(c)), as amended by section 312(b), is further amended by striking out "or" before "(4)" and by inserting before the period at the end the following: "; or (5) an alien (other than an immediate relative as defined in section 201(b)) who was admitted as a nonimmigrant visitor without a visa under section 212(l) or section 217".

(d) PROHIBITION OF ADJUSTMENT OF NONIMMIGRANT STATUS.—Section 248 (8 U.S.C. 1258) is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and" and by adding at the end thereof the following new paragraph:

"(4) an alien admitted as a nonimmigrant visitor without a visa under section 212(l) or section 217.".

(e) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by adding after the item relating to section 216 the following new item:

"Sec. 217. Visa waiver pilot program for certain visitors.".

SEC. 315. PROVIDING ADDITIONAL IMMIGRANT VISAS.

(a) AUTHORIZING ADDITIONAL VISAS FOR NATIVES OF CERTAIN COUNTRIES.—Notwithstanding the numerical limitations in section 201(a) of the Immigration and Nationality Act (8 U.S.C. 1151(a)), if—

(1) the total number of immigrants—

(A) who were born in a foreign state, and

(B) who were issued immigrant visas in fiscal year 1985 subject to the numerical limitation specified in section 201(a) of such Act or who otherwise acquired the status of an alien lawfully admitted for permanent residence in fiscal year 1985 subject to such numerical limitation,

was less than—

(2) three-fourths of the average annual number of immigrant visas made available under such Act, during the 10-fiscal year period beginning July 1, 1955, to aliens who were born in that foreign state,

there shall be made available to aliens born in that foreign state in each fiscal year (during the period described in subsection (f)) an additional number of immigrant visas equal to the amount of that difference or 7,500, whichever is less.

(b) DISTRIBUTION OF ADDITIONAL VISAS.—The additional visa numbers under subsection (a) for immigrants born in each foreign state shall be made available as follows:

(1) 30 percent of the additional visa numbers shall be made available to those qualified immigrants who are entitled to preference status under paragraph (1), (2), (3), (4), or (5) of section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), by allotting 6 percent of the additional visa numbers to the class of qualified immigrants described in each such respective paragraph.

(2) 30 percent of the additional visa numbers, plus any additional visa numbers not required under paragraph (1), shall be made available to qualified immigrants who are entitled to preference status under section 203(a)(6) of such Act (8 U.S.C. 1153(a)(6)).

(3) 40 percent of the additional visa numbers, plus any additional visa numbers not required under paragraph (1) or (2), shall be made available to other qualified immigrants who are not entitled to preference status under section 203(a) of such Act.

(c) ORDER OF CONSIDERATION.—(1) Immigrant visas under paragraphs (1) and (2) of subsection (b) shall be made available to eligible immigrants in the order in which a petition in behalf of each such immigrant is filed with the Attorney General under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154).

(2)(A) Except as provided in subparagraph (B), immigrant visas under subsection (b)(3) shall be made available to eligible immigrants strictly in the chronological order in which the immigrants qualify.

(B) The Secretary of State shall adjust the order in which immigrant visas under subsection (b)(3) are made available in a manner that assures equal availability to residents in all the geographic areas of the foreign state involved.

(d) WAIVER OF LABOR CERTIFICATION.—Section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(14)) shall not apply in the determination of an immigrant's eligibility to receive any visa made available under this section or in the admission of such an immigrant issued such a visa under this section.

(e) APPLICATION OF DEFINITIONS OF IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing in this section shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization.

(f) EFFECTIVE PERIOD.—The additional visa numbers shall be made available under this section only in fiscal years occurring during the five-fiscal year period beginning with first fiscal year that begins after the date of the enactment of this Act.

SEC. 316. MISCELLANEOUS PROVISIONS.

(a) EQUAL TREATMENT OF FATHERS.—Section 101(b)(1)(D) (8 U.S.C. 1101(b)(1)(D)) is amended by inserting "or to its natural father if the father has or had a bona fide parent-child relationship with the person" after "natural mother".

(b) SUSPENSION OF DEPORTATION FOR CERTAIN ALIENS.—Section 244(b) (8 U.S.C. 1254(b)), as amended by section 312(c), is further amended by adding at the end the following new paragraph:

"(3) An alien shall not be considered to have failed to maintain continuous physical presence in the United States under paragraphs (1) and (2) of subsection (a) if the absence from the United States was brief, casual, and innocent and did not meaningfully interrupt the continuous physical presence.".

(c) TREATMENT OF CUBAN POLITICAL PRISONERS.—Section 243(g) of the Immigration and Nationality Act (8 U.S.C. 1253(g)) shall not apply to the issuance of visas to nationals of Cuba who are or were imprisoned in Cuba for political activities.

(d) DENIAL OF CREW MEMBER NONIMMIGRANT VISA IN CASES OF STRIKE.—An alien may not be admitted to the United States as an alien crewman (under section 101(a)(15)(D) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(D)) for the purpose of performing service on board a vessel or aircraft at a time when there is a strike in the bargaining unit of the employer in which the alien intends to perform such service.

TITLE IV—REPORTS TO CONGRESS

SEC. 401. TRIENNIAL REPORTS CONCERNING IMMIGRATION.

(a) IN GENERAL.—The President shall transmit to the Committees on the Judiciary of the Senate and of the House of Representatives, not later than three years after the date of the enactment of this Act, and every three years thereafter, a comprehensive report on the general legal admissions under the Immigration and Nationality Act.

(b) CONTENTS.—Each report shall include—

(1) the number and classifications of aliens admitted (whether as immediate relatives, special immigrants, refugees, or under the preference classifications, or as nonimmigrants), paroled, or granted asylum, during the relevant period;

(2) a reasonable estimate of the number of aliens who entered the United States during the period without visas or who became deportable during the period under section 241 of the Immigration and Nationality Act; and

(3) a description of the impact of admissions and other entries of immigrants, refugees, asylees, and parolees into the United States during the period on the economy, labor and housing markets, educational system, social services, foreign policy, environmental quality and resources, and population growth rate of the United States.

(c) DATA.—The information (referred to in subsection (b)) contained in each report shall be—

(1) described for the preceding three-year period, and

(2) projected for the succeeding five-year period, based on reasonable estimates substantiated by the best available evidence.

(d) RECOMMENDATIONS.—The President also shall include in such report any appropriate recommendations on changes in numerical limitations or other policies under title II of the Immigration and Nationality Act bearing on the admission and entry of aliens into the United States.

SEC. 402. REPORTS ON UNAUTHORIZED ALIEN EMPLOYMENT AND DISCRIMINATION IN EMPLOYMENT.

(a) PRESIDENTIAL REPORTS.—(1) The President shall transmit to the Committees on the Judiciary of the Senate and of the House of Representatives reports on the implementation of section 274A of the Immigration and Nationality Act (relating to unlawful employment of aliens) in accordance with this subsection.

(2) Every six months, beginning six months after the date of the enactment of this Act, the President shall transmit a report which shall include—

(A) an analysis of the adequacy of the employment verification system set forth in subsection (b) of section 274A of the Immigration and Nationality Act; and

(B) an analysis of the impact of that section on—

(i) the employment, wages, and working conditions of United States workers,

(ii) the number of aliens entering the United States illegally, and

(iii) the violation of terms and conditions of nonimmigrant visas by foreign visitors.

(3)(A) By each of the dates specified in subparagraph (B), the President shall transmit a report which shall include a description of the impact of section 274A of the Immigration and Nationality Act on—

(i) discrimination against citizen and permanent resident alien members of minority groups, and

(ii) the paperwork and recordkeeping burden on United States employers.

(B) The dates referred to in subparagraph (A) are 18, 36, and 54 months after the date of enactment of this Act.

(b) FEASIBILITY STUDY OF SOCIAL SECURITY NUMBER VALIDATION SYSTEM.—The Secretary of Health and Human Services, acting through the Social Security Administration and in cooperation with the Attorney General and the Secretary of Labor, shall conduct a study of the feasibility and costs of establishing a social security number validation system to assist in carrying out the purposes of section 274A of the Immigration and Nationality Act, and of the privacy concerns that would be raised by the establishment of such a system. The Secretary shall submit to the Committees on Ways and Means and Judiciary of the House of Representatives and to the Committees on Finance and Judiciary of the Senate, within 2 years after the date of the enactment of this Act, a full and complete report on the results of the study together with such recommendations as may appear appropriate.

(c) CIVIL RIGHTS COMMISSION MONITORING AND REPORTS.—(1) The Civil Rights Commission shall monitor the implementation and enforcement of the provisions of section 274A of the Immigration and Nationality Act and shall investigate allegations that the enforcement or implementation of that section has been conducted in a manner that results in unlawful discrimination by race or national origin against citizens of the United States or aliens who are not unauthorized aliens (as defined for purposes of that section).

(2) The Civil Rights Commission, not later than 18 months after the month in which this Act is enacted, shall prepare and transmit to the Committees on the Judiciary of the House of Representatives and of the Senate a report describing the implementation and enforcement of the provisions of that section during the preceding period, for the purpose of determining if a pattern of such unlawful discrimination has resulted. Two more such reports shall be prepared and transmitted 36 and 54 months after the month in which this Act is enacted.

SEC. 403. REPORTS ON H-2A PROGRAM.

(a) PRESIDENTIAL REPORTS.—The President shall transmit to the Committees on the Judiciary of the Senate and of the House of Representatives reports on the implementation of the temporary agricultural worker (H-2A) program, which shall include—

(1) the number of foreign workers permitted to be employed under the program in each year;

(2) the compliance of employers and foreign workers with the terms and conditions of the program;

(3) the impact of the program on the labor needs of the United States agricultural employers and on the wages and working conditions of United States agricultural workers; and

(4) recommendations for modifications of the program, including—

(A) improving the timeliness of decisions regarding admission of temporary foreign workers under the program,

(B) removing any economic disincentives to hiring United States citizens or permanent resident aliens for jobs for which temporary foreign workers have been requested,

(C) improving cooperation among government agencies, employers, employer associations, workers, unions, and other worker associations to end the dependence of any industry on a constant supply of temporary foreign workers, and

(D) the relative benefits to domestic workers and burdens upon employers of a policy which requires employers, as a condition for certification under the program, to continue to accept qualified United States workers for employment after the date the H-2A workers depart for work with the employer.

The recommendations under subparagraph (D) shall be made in furtherance of the Congressional policy that aliens not be admitted under the H-2A program unless there are not sufficient workers in the United States who are able, willing, and qualified to perform the labor or services needed and that the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

(b) DEADLINES.—A report on the H-2A temporary worker program under subsection (a) shall be submitted not later than two years after the date of the enactment of this Act, and every two years thereafter.

SEC. 404. REPORTS ON LEGALIZATION PROGRAM.

(a) IN GENERAL.—The President shall transmit to Congress two reports on the legalization program established under section 245A of the Immigration and Nationality Act.

(b) INITIAL REPORT DESCRIBING LEGALIZED ALIENS.—The first report, which shall be transmitted not later than 12 months after the end of the application period for adjustment to lawful temporary residence status under the program, shall include a description of the population whose status is legalized under the program, including—

(1) geographical origins and manner of entry of these aliens into the United States,

(2) their demographic characteristics, and

(3) a general profile and characteristics.

(c) SECOND REPORT ON IMPACT OF LEGALIZATION PROGRAM.—The second report, which shall be transmitted not later than three

years after the date of transmittal of the first report, shall include a description of—

(1) the impact of the program on State and local governments and on public health and medical needs of individuals in the different regions of the United States,

(2) the patterns of employment of the legalized population, and

(3) the participation of legalized aliens in social service programs.

SEC. 405. REPORT ON VISA WAIVER PILOT PROGRAM.

(a) MONITORING AND REPORT PILOT PROGRAM.—The Attorney General and the Secretary of State shall jointly monitor the pilot program established under section 217 of the Immigration and Nationality Act and shall report to the Congress not later than two years after the beginning of the program.

(b) DETAILS IN REPORT.—The report shall include—

(1) an evaluation of the program, including its impact—

(A) on the control of alien visitors to the United States,

(B) on consular operations in the countries designated under the program, as well as on consular operations in other countries in which additional consular personnel have been relocated as a result of the implementation of the program, and

(C) on the United States tourism industry; and

(2) recommendations—

(A) on extending the pilot program period, and

(B) on increasing the number of countries that may be designated under the program.

SEC. 406. REPORT ON INS RESOURCES.

Not later than 90 days after the date of the enactment of this Act, the Attorney General shall prepare and transmit to the Congress a report describing the type of equipment, physical structures, and personnel resources required to improve the capabilities of the Immigration and Naturalization Service so that it can adequately carry out services and enforcement activities, including those required to carry out the amendments made by this Act.

SEC. 407. U.S.-MEXICO BORDER REVITALIZATION.

(a) IN GENERAL.—The President is authorized to negotiate with the Government of Mexico, on a reciprocal and mutually beneficial basis, the establishment of a free-trade and co-production zone that would include the United States-Mexico borderlands, as a first step to achieving a free-trade area between the United States and Mexico over the long term.

(b) REPORT.—The President shall provide for a report to be submitted to the Congress on the progress in any such negotiations. Such report shall include such recommendations for changes in legislation as may be appropriate.

TITLE V—STATE AND LOCAL ASSISTANCE FOR INCARCERATION COSTS OF ILLEGAL ALIENS AND CERTAIN CUBAN NATIONALS

SEC. 501. REIMBURSEMENT OF STATES AND LOCALITIES FOR COSTS OF INCARCERATING ILLEGAL ALIENS AND CERTAIN CUBAN NATIONALS.

(a) REIMBURSEMENT TO STATES AND LOCALITIES.—Subject to the amounts provided in advance in appropriation Acts, the Attorney General shall reimburse States and local jurisdictions within a State for the costs incurred by the State or local jurisdiction—

(1) for the imprisonment of any illegal alien or Cuban national, described in subsection (b) or (c), respectively, who is convicted of a felony by the State or local jurisdiction, and

(2) for the pre-trial and post-trial detention of any illegal alien or Cuban national, described in subsection (b) or (c), respectively, who is convicted in the trial of a felony by the State or local jurisdiction.

(b) ILLEGAL ALIEN.—An illegal alien described in this subsection is any alien who is in the United States unlawfully and—

(1) whose most recent entry into the United States was without inspection, or

(2) whose most recent admission to the United States was as a nonimmigrant and—

(A) whose period of authorized stay as a nonimmigrant expired, or

(B) whose unlawful status was known to the Government,

before the date of the commission of the crime for which the alien is convicted.

(c) CUBAN NATIONAL.—A Cuban national described in this subsection is an alien who is a national of Cuba and who—

(1) was allowed by the Attorney General to come to the United States in 1980,

(2) after such arrival committed any violation of State or local law for which a term of imprisonment was imposed, and

(3) at the time of such arrival and at the time of such violation was not an alien lawfully admitted to the United States—

(A) for permanent or temporary residence, or

(B) under the terms of an immigrant visa or a nonimmigrant visa issued,

under the laws of the United States.

(d) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

(e) EFFECTIVE DATE.—This section shall become effective on October 1, 1986.

(f) STATE DEFINED.—The term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

TITLE VI—COMMISSION ON INTERNATIONAL MIGRATION AND DEVELOPMENT

SEC. 601. COMMISSION ON INTERNATIONAL MIGRATION AND DEVELOPMENT.

(a) ESTABLISHMENT AND PURPOSE.—There is established a National Commission on International Migration and Development (in this section referred to as the "Commission") to conduct studies, in consultation with the governments of sending countries, and report to Congress concerning the following:

(1) CONDITIONS IN SENDING COUNTRIES.—The conditions in sending countries which contribute to unauthorized migration to the United States.

(2) TRADE AND INVESTMENT PROGRAMS.—Mutually beneficial, reciprocal trade and investment programs to alleviate the conditions identified in paragraph (1).

In this section, the term "sending country" means a foreign country a substantial number of whose nationals migrate to, or remain in, the United States without authorization.

(b) THREE-YEAR AGENDA.—The Commission shall develop an operating agenda under which—

(1) the Commission will study and report on both of the topics under subsection (a) over a three-year period, beginning on the date a majority of the members of the Commission are first appointed, and

(2) a final report of the Commission shall be transmitted not later than the end of such period.

(c) DETAILS ON STUDIES.—

(1) CONDITIONS IN SENDING COUNTRIES.—With respect to the studies described in subsection (a)(1), the Commission shall examine—

(A) the relationship between (i) current and projected demographic, social, economic, labor, and technological conditions in sending countries and in the United States and (ii) unauthorized migration from such countries to the United States, and

(B) the impact on such conditions of current trade and other policies governing the economic relations between sending countries and the United States.

(2) TRADE AND INVESTMENT PROGRAMS.—With respect to the studies described in subsection (a)(2), the Commission shall examine the feasibility of mutually beneficial, reciprocal trade and investment programs to alleviate conditions in the sending countries contributing to unauthorized migration from those countries to the United States.

(d) COMPOSITION OF COMMISSION.—

(1) APPOINTMENT.—The Commission shall be composed of 15 members appointed jointly by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Majority and Minority Leaders of the Senate. Appointments to the Commission shall be made within 90 days after the date of the enactment of this Act. Members shall be appointed for the life of the Commission. A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(2) NONPARTISAN STRUCTURE.—Not more than 8 members of the Commission may be members of the same political party and not more than 4 may be a member of Congress.

(3) REPRESENTATION.—Among the individuals appointed to the Commission, there shall be individuals representing academia, Federal, State, and local government, organized labor, business, and organizations with experience in migration and development matters.

(4) CHAIRMAN AND VICE CHAIRMAN.—The chairman and the vice chairman of the Commission shall be elected from among the members and shall serve for the life of the Commission.

(e) COMPENSATION OF MEMBERS.—

(1) PER DIEM.—Each member of the Commission who is not an officer or employee of the Federal Government shall, subject to such amounts as are provided in advance in appropriations Acts, receive $100 for each full-day equivalent (including traveltime) during which the member is engaged in the actual performance of duties of the Commission. Each member of the Commission who is an officer or employee of the Federal Government shall receive no additional pay on account of his or her service on the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed reasonable travel expenses, including per diem in lieu of subsistence.

(f) STAFF.—The chairman shall appoint a director of the Commission and such additional Commission personnel as the chairman deems necessary. The personnel of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(g) OPERATION OF COMMISSION.—

(1) QUORUM.—Eight members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) MEETINGS OF COMMISSION.—The Commission shall meet at the call of the chairman or a majority of its members.

(3) HEARINGS.—The Commission may for the purpose of carrying out its duties hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable.

(4) USE OF CONSULTANTS.—The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants at a rate to be fixed by the Commission, but not in excess of $100 per full-day equivalent (including traveltime). While away from his home or regular place of business in the performance of services for the Commission, any such person may be allowed reasonable travel expenses including per diem in lieu of subsistence.

(5) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties. Upon request of the chairman, the head of such agency or department of the United States shall furnish all information requested by the Commission which is necessary to enable it to carry out its duties.

(6) ACCEPTING GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) USE OF U.S. MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(8) SUPPORT SERVICES FROM GSA.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) REPORTS AND TERMINATION.—

(1) REPORTS.—The Commission shall transmit to Congress annual reports, in accordance with its agenda established under subsection (b). Each such report shall include a summary of the studies conducted by the Commission and such recommendations as the Commission deems appropriate.

(2) TERMINATION.—The Commission shall cease to exist 30 days after the end of the three-year period beginning on the date a majority of the members of the Commission are first appointed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

TITLE VII—NATIONAL COMMISSION ON IMMIGRATION

SEC. 701. NATIONAL COMMISSION ON IMMIGRATION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a National Commission on Immigration (hereinafter in this section referred to as the "Commission") to conduct studies and analyses and to report to Congress concerning the following:

(1) PUSH-PULL FACTORS AND RECIPROCAL PROGRAMS.—(A) The push and pull factors affecting unauthorized immigration to the United States, and

(B) the development, in partnership with Latin American countries, of reciprocal trade and economic development programs of mutual benefit.

(2) EMPLOYMENT OF UNAUTHORIZED ALIENS.—The incentives for employers in the United States to employ aliens who are not authorized to be so employed.

(3) AGRICULTURAL RELIANCE ON UNAUTHORIZED WORKERS.—The reliance of the agricultural industry on the employment, on a temporary basis, of aliens not authorized to be employed in the United States.

(4) BACKLOGS IN APPROVED IMMIGRANT VISAS.—The existence and extent of backlogs for the issuance of immigrant visas to aliens who have approved petitions for immigrant preference status.

(b) DETAILS OF STUDIES.—

(1) PUSH-PULL STUDY.—With respect to the topic described in subsection (a)(1)(A)—

(A) REVIEW OF ECONOMIC AND SOCIAL CONDITIONS.—The Commission shall review and analyze—

(i) the economic and social conditions, patterns, and trends in the United States and in foreign countries which affect unauthorized immigration into the United States,

(ii) the short-term and long-term problems in the United States and elsewhere associated with such unauthorized immigration, and

(iii) potential solutions to such problems.

The Commission's reviews and analyses shall focus on, and be conducted in close consultation with the governments of, those foreign countries from which nationals are most likely to immigrate without prior authorization to the United States.

(B) CONSIDERATIONS.—The Commission shall take into account, in such reviews and analyses the following:

(i) TRENDS.—The prevailing and projected demographic, technological, and economic trends affecting immigration into the United States.

(ii) IMPACT OF LAWS.—The impact of immigration laws, and their enforcement, on unauthorized immigration and on social and economic conditions in foreign countries.

(iii) IMPACT ON UNEMPLOYMENT.—How unemployment in particular areas and occupations in the United States is affected by unauthorized immigration.

(iv) GOVERNING LAWS.—The laws, policies (including trade policies), and procedures governing economic and diplomatic relations between the United States and foreign countries.

(C) RECOMMENDATIONS.—The Commission shall make recommendations respecting additional statutory and other changes that should be made to best deal with unauthorized immigration into the United States.

(2) STUDY ON EMPLOYMENT OF UNAUTHORIZED ALIENS.—

(A) ASSESSMENT.—With respect to the topic described in subsection (a)(2), the Commission shall assess—

(i) the effectiveness of the enforcement of the labor laws described in section 101(e) of this Act in removing the economic incentive on hiring individuals not authorized to be employed in the United States, and

(ii) the level of displacement from employment of lawful residents occurring as a result of the employment of unlawful residents.

(B) SPECIFIC RECOMMENDATIONS.—If the labor laws described in section 101(e) are not effective in removing the economic incentive on hiring individuals not authorized to be employed in the United States, the Commission shall review and make recommendations with respect to alternative measures which would minimize such job displacement while insuring that employment discrimination does not occur as a result of implementation of such measures.

(3) AGRICULTURAL RELIANCE ON TEMPORARY WORKERS.—With respect to the topic described in subsection (a)(3), the Commission shall review and study the temporary worker program currently provided under the Immigration and Nationality Act and shall assess the following:

(A) LABOR SHORTAGES.—Present and future labor shortages in the agricultural industry.

(B) WORKER ABUSES.—Abuses of foreign, as well as domestic, workers presently employed in agriculture.

(C) USE OF DOMESTIC WORKERS.—The feasibility and cost effectiveness of training and transporting domestic workers to perform agricultural work in areas as needed.

(D) SPECIFIC STATUTORY CHANGES.—Whether or not statutory changes in such program should be made with respect to—

(i) limiting the number of aliens who can be admitted under such program,

(ii) changing the terms and conditions of their employment,

(iii) changing the standards for recruitment and retention of domestic workers,

(iv) providing for payment of Social Security and unemployment taxes under the Federal Insurance Contributions Act and the Federal Unemployment Tax Act with respect to foreign agricultural workers, and

(v) otherwise removing any economic disincentives to the hiring of qualified domestic workers and ending the reliance of any industry on a constant supply of temporary foreign agricultural workers.

(4) IMMIGRANT VISA BACKLOGS.—

(A) REVIEW AND STUDY.—With respect to the topic described in subsection (a)(4), the Commission shall review and study the causes and circumstances regarding the existence of the backlog in the issuance of immigrant visas to aliens with approved preference petitions and shall propose means of ameliorating such backlog, with particular focus on family reunification.

(B) DEADLINE FOR REPORT.—The Commission shall present its recommendations to the Congress with respect to this topic not later than 18 months after the date of the enactment of this Act.

(c) COMPOSITION OF COMMISSION.—

(1) IN GENERAL.—The Commission shall be composed of 15 members as follows:

(A) PRESIDENTIAL APPOINTMENTS.—Five members appointed by the President, not more than three of whom are members of the same political party and not more than three of whom are officers or employees of the Federal Government.

(B) APPOINTMENTS BY SPEAKER OF HOUSE OF REPRESENTATIVES.—Five members appointed by the Speaker of the House of Representatives, not more than three of whom are members of the same political party and not more than two of whom are members of Congress.

(C) APPOINTMENTS BY PRESIDENT PRO TEMPORE OF SENATE.—Five members appointed by the President pro tempore of the Senate, not more than three of whom are members of the same political party and not more than two of whom are members of Congress.

(2) CONSIDERATIONS IN MAKING APPOINTMENTS.—In making such appointments, due consideration shall be given to securing representatives on the Commission from a variety of constituencies, including State and local government officials and individuals and representatives of organizations with experience or expertise in immigration matters. Members shall be appointed in a

manner that provides for balanced representation of all interests.

(3) TIMELY APPOINTMENTS.—Appointments to the Commission shall be made within 90 days after the date of the enactment of this section.

(4) ELECTION OF CHAIRMAN AND VICE CHAIRMAN.—The chairman and the vice chairman of the Commission shall be elected from among the members. The term of office of the chairman and vice chairman shall be for the life of the Commission.

(5) PARTICIPATION BY REPRESENTATIVES OF FOREIGN GOVERNMENTS.—The chairman may invite for the purpose of participating in any meeting or hearing held by the Commission, and for the purpose of contributing to the studies to be conducted and the recommendations to be developed by the Commission, such representatives of the governments of countries as the Commission deems desirable.

(d) MEMBERSHIP.—

(1) LIFE MEMBERSHIP.—Members shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(3) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(4) MEETINGS.—The Commission shall meet at the call of the chairman or a majority of its members.

(e) COMPENSATION OF MEMBERS.—

(1) PER DIEM.—

(A) NON-FEDERAL MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall, subject to such amounts as are provided in advance in appropriations Acts, receive $150 for each day (including traveltime) during which the member is engaged in the actual performance of duties of the Commission.

(B) FEDERAL MEMBERS.—Members of the Commission who are officers or employees of the Federal Government shall receive no additional pay on account of their service on the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(f) STAFF.—

(1) DIRECTOR.—The Commission shall have a director who shall be appointed by and whose rate of pay shall be fixed by the chairman.

(2) OTHER STAFF.—The chairman may appoint and fix the rate of pay of such additional personnel as the chairman deems desirable.

(3) LAW GOVERNING APPOINTMENT AND PAY.—The director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(g) AUTHORITY OF COMMISSION.—

(1) HEARINGS.—The Commission may for the purpose of carrying out its duties hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable. To the extent feasible, the Commission shall hold at least some hearings in the border regions of the United States.

(2) ESTABLISHMENT OF 3 EXPERT PANELS.—The Commission shall, to the maximum extent feasible, conduct its activities through the establishment of three expert panels, each of the panels to provide detailed information and recommendations to the Commission respecting one of the topics described in subsection (a).

(3) USE OF CONSULTANTS.—The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants at a rate to be fixed by the Commission, but not in excess of $150 per diem (including traveltime). While away from his home or regular place of business in the performance of services for the Commission, any such person may be allowed travel expenses including per diem in lieu of subsistence.

(4) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties. Upon request of the chairman, the head of such agency or department of the United States shall furnish all information requested by the Commission which is necessary to enable it to carry out its duties.

(5) ACCEPTING GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(6) USE OF U.S. MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(7) SUPPORT SERVICES FROM GSA.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) REPORTS AND TERMINATION.—

(1) REPORT.—The Commission shall transmit a report to the Congress not later than three years after the date of the enactment of this Act. Such report shall include a summary of the reviews and analyses conducted by or on behalf of the Commission and such recommendations as the Commission deems appropriate.

(2) TERMINATION.—The Commission shall cease to exist on the thirtieth day beginning after the date of the transmission of the report under paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

TITLE VIII—INVESTIGATION, REVIEW, AND TEMPORARY LIMITATION ON DEPORTATION OF DISPLACED SALVADORANS AND NICARAGUANS

PART A—GAO INVESTIGATION AND REPORT

SEC. 801. GAO INVESTIGATION.

(a) REQUIRING GAO INVESTIGATION ON DISPLACED SALVADORANS AND NICARAGUANS.—Within 60 days after the date of the enactment of this Act, the Comptroller General shall begin an investigation concerning displaced nationals of El Salvador and Nicaragua.

(b) DETERMINATIONS ON DISPLACED SALVADORANS AND NICARAGUANS IN CENTRAL AMERICA.—The investigation shall determine the following, separately, with respect to displaced Salvadorans and with respect to displaced Nicaraguans who are present in either El Salvador, Nicaragua, Honduras, Guatemala, or Mexico, regardless of whether or not they are registered:

(1) The number of these displaced persons and their current locations.

(2) Their place of origin in El Salvador or Nicaragua and the period of, and reason for, their displacement.

(3) Their current living conditions, with particular attention to (A) their personal safety and the personal safety of those providing assistance to them, and (B) the availability of food and medical assistance.

(4) An assessment of (A) current efforts to provide food, medical assistance, housing, and other necessities and to secure personal safety for these persons, and (B) policies and procedures that reasonably could be implemented to assure more efficient and equitable distribution of this assistance.

(5) The impact of the war in El Salvador or the war in Nicaragua, respectively, and of activities of officers of the Government or political parties in El Salvador or Nicaragua, respectively, on the matters described in the previous paragraphs.

(c) DETERMINATIONS ON SALVADORANS AND NICARAGUANS RETURNED FROM THE UNITED STATES.—In the case of nationals of El Salvador and nationals of Nicaragua who have been required (whether through deportation, voluntary departure proceeding, or otherwise) to depart from the United States and who return to El Salvador or Nicaragua, the investigation shall assess—

(1) their condition and circumstances in El Salvador or Nicaragua upon return from the United States, with particular attention to any violations of fundamental human rights that have occurred upon their return to El Salvador or Nicaragua, or

(2) the extent to which these persons, upon their return, have become displaced persons within El Salvador or Nicaragua.

(d) DETERMINATIONS ON SALVADORANS AND NICARAGUANS IN THE UNITED STATES IN AN UNLAWFUL STATUS.—In the case of nationals of El Salvador and nationals of Nicaragua, respectively, who are present in the United States in an unlawful status, the investigation shall—

(1) compare the situation in El Salvador and Nicaragua with the situation in other countries during periods when nationals of those countries have been provided administrative grants of extended voluntary departure under the immigration laws,

(2) describe the policies and procedures of the United States respecting the treatment of aliens (other than Salvadorans and Nicaraguans) in the United States in similar circumstances, and

(3) describe the policies of all other countries in which Salvadorans or Nicaraguans have sought refuge as these policies concern the return of the Salvadorans to El Salvador and Nicaraguans to Nicaragua.

SEC. 802. REPORT.

The Comptroller General shall submit to the Speaker of the House of Representatives and the President of the Senate, not later than one year after the date of the initiation of the study under section 801, a report on such study, including detailed findings concerning the items described in subsections (b), (c), and (d) of such section.

PART B—CONGRESSIONAL REVIEW

SEC. 811. REFERRAL OF REPORT, COMMITTEE HEARINGS, AND COMMITTEE REPORT.

(a) REFERRAL.—The report, when submitted under section 802, shall be referred, in accordance with the rules of each House, to the standing committee or committees of each House of Congress having jurisdiction over the subjects of the report, and the report shall be printed as a document of the House of Representatives.

(b) COMMITTEE HEARINGS.—No later than 90 days of continuous session of Congress after the date of the referral of the report to a committee, the committee shall initiate hearings, insofar as such committee has legislative or oversight jurisdiction, to consider—

(1) the findings of the report,

(2) the appropriate steps that should be taken to provide assurances of personal safety and adequate, efficient, and equitable distribution of assistance with respect to Salvadorans and Nicaraguans who are displaced within their countries or who have fled to other countries in Central America,

(3) treaty obligations of the United States, humanitarian considerations, and previous practice of the United States respecting the treatment of aliens in similar circumstances, and

(4) whether it is appropriate to extend, remove, or alter the restrictions contained in part C.

(c) COMMITTEE REPORT.—No later than 270 days of continuous session of the Congress after the date of the referral of the report to a committee, the committee shall report to its respective House its oversight findings and any legislation it deems appropriate.

(d) TREATMENT OF CONTINUITY OF SESSION.—For purposes of this part, continuity of session of Congress is broken only by an adjournment sine die at the end of the second regular session of a Congress, and days on which either House of Congress is not in session because of an adjournment of more than 10 days to a date certain are excluded from the computation of the periods of continuous session of Congress.

PART C—TEMPORARY STAY OF DEPORTATION

SEC. 821. LIMITATION ON DETENTION AND DEPORTATION.

(a) LIMITATION.—(1) Except as provided in paragraph (2), the Attorney General shall not detain or deport aliens described in subsection (b) during the period beginning on the date of the enactment of this Act and ending 270 days of continuous session of Congress after the date of transmittal of the report of the Comptroller General to the Speaker of the House of Representatives under section 802.

(2) Paragraph (1) shall not be construed to prohibit the brief interrogation of an alien under section 287(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(a)(1)) for the purpose of determining whether this section applies to particular aliens.

(b) ALIENS COVERED BY THE LIMITATION.—The nationals referred to in subsection (a)(1) are aliens who—

(1) are nationals of El Salvador or nationals of Nicaragua;

(2) have been and are continuously present in the United States since before August 6, 1986;

(3) are determined to be deportable only under—

(A) paragraph (1) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1251(a)), but only as such paragraph relates to a ground for exclusion described in paragraphs (14), (15), (20), (21), (25), or (32) of section 212(a) of such Act (8 U.S.C. 1182(a)), or

(B) under paragraphs (2), (9), or (10) of section 241(a) of such Act (8 U.S.C. 1254(a)); and

(4) have agreed in writing to depart from the United States voluntarily upon the expiration of the period referred to in subsection (a).

SEC. 822. PERIOD OF STAY OF DEPORTATION NOT COUNTED TOWARDS OBTAINING SUSPENSION OF DEPORTATION BENEFIT.

With respect to an alien whose deportation is temporarily stayed under section 821 during a period, the period of the stay shall not be counted as a period of physical presence in the United States for purposes of section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1254(a)).

SEC. 823. ALIEN'S STATUS DURING PERIOD OF EXTENSION.

During the period of the extension of an alien's voluntary departure under section 821, the alien—

(1) shall not be considered to be permanently residing in the United States under color of law,

(2) shall not be eligible for any program of public assistance furnished (directly or through reimbursement) under Federal law, and

(3) may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36) of the Immigration and Nationality Act) or any political subdivision thereof which furnishes such assistance.

The CHAIRMAN. No amendments to the bill or to the substitute are in order except the amendments printed in House Report 99-980. The amendments shall be considered only in the order in which they appear in the report and may be offered by the sponsor designated in the report, or by the chairman of the appropriate committee, or his designee, where a committee is designated. The amendments are considered as having been read, are not subject to amendment or to a demand for a division of the question but each amendment shall be debatable as specified in the report, equally divided and controlled by the proponent and a Member opposed thereto.

AMENDMENT OFFERED BY MR. FORD OF MICHIGAN

Mr. FORD of Michigan. Mr. Chairman, I offer amendment No. 1.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FORD of Michigan: In section 101(a)(1), in section 274A(a) of the Immigration and Nationality Act inserted by such section, strike out paragraph (5).

The CHAIRMAN. The gentleman from Michigan [Mr. FORD] will be recognized for 5 minutes and the gentleman from California [Mr. LUNGREN] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. I yield myself such time as I may consume.

Mr. Chairman, I would like to say at the outset that I will offer this amendment and the amendment designated No. 2 on behalf of the Committee on Education and Labor, and the gentleman from Texas [Mr. BARTLETT] will offer amendment No. 3, also passed by the Committee on Education and Labor.

Mr. Chairman, there are two reasons not to waive the verification requirement and provide an affirmative defense to charges of its violation. The first reason is simple: It makes no sense to excuse an employer even if he has actual knowledge that he is hiring an unauthorized alien, merely because the employment service mistakenly certified that the individual was authorized to work.

The second reason to eliminate this waiver is that it has the potential for imposing huge costs on the State employment services without raising any money to pay for them. Secretary Brock estimates that if the employment services are pressured into verifying the citizenship status of their millions of referrals, the cost will be at least $45 million a year. Budget cuts have already closed hundreds of employment service offices in every State. The imposition of $45 million of new responsibilities without providing proportionate funding would close hundreds more and lead to the layoff of thousands of employment service personnel.

Secretary Brock supports my amendment. The National Governor's Association supports it. And the Interstate Conference of Employment Security Agencies supports it.

The CHAIRMAN. The gentleman from Michigan [Mr. FORD] has consumed 3 minutes.

Mr. LUNGREN. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this amendment was adopted in the Committee on the Judiciary when presented by the gentleman from Colorado [Mr. BROWN]. What the gentleman brought to us was a concern that employers had that if they were to receive people who were referred to them by a State employment agency and they were then to make a check and discover that those people were here illegally, they would be put in a funny situation where they could not rely on the recommendations made by the State referral agency.

We have argued on the floor here that employer sanctions are necessary, and those of us who support the bill have suggested that, yes, there will be an additional burden placed on the employers of America, but a necessary burden, in order to get our borders under control.

Now, to hear that somehow the State referral agencies are incapable of making that simple decision, as some would like to say, but a small employer is, seems to be inconsistent.

All we are saying here is that if the State employment agency has referred someone to an employer, that employer should be able to rely on the State employment agency for having verified the person's status. To suggest that these people are not trained to verify the status is to suggest that somehow they are incapable of doing

what we are going to require employers to do, which is to make a simple analysis of the documentation presented to them.

It just seems to me that we ought to treat the State referral agency the same way we treat employers.

If we say that somehow State referral agencies are incapable of doing that, what does that say about the burden we are placing on employers? I think we have reached the point where we have said, this is a reasonable burden to be placed on employers; it seems to me it ought to be a reasonable burden placed on the referral agencies as well.

Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado [Mr. BROWN], who was the source of the amendment originally.

Mr. BROWN of Colorado. Mr. Chairman, I think this issue is very clear. The amendment to strike this particular section of the bill is one that is saying, let us have duplicate paperwork. If you think we are short of paperwork, you may want to vote for this amendment.

If you think it makes sense to eliminate duplicate paperwork, then you will want to oppose it.

Let us make it clear what is involved here. We are not requiring the State unemployment services to fill out these forms. That has nothing to do with this section.

It only says that if they do fill out these forms and they are presented to the employer, that may be used as a defense. That is all it says. It does not require the forms to be filled out; it only says if they have been filled out already, the employer may use that as a defense.

The other point I think is important to know here is that if the employer finds out that the individual is an illegal alien, that this is not a conclusive defense.

But the bottom line on this is whether or not you want to add an additional burden to the employers of America and make this process more cumbersome, more time consuming, more costly, and more unworkable.

Basically, all the language of the bill says right now is that if these items have been checked by the State unemployment agency and if they have chosen to supply documentation, then that process does not have to be needlessly duplicated.

I appreciate the opportunity to expand on the amendment.

□ 1630

Mr. LUNGREN. Mr. Chairman, I yield my remaining time to the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I do oppose the amendment, although I do respect the gentleman from Michigan and I know we will be on the same side of other amendments; but the fact is that in this bill there is a provision that an employer may rely on the State employment commission, a government agency, for verification, so that if the State employment agency verifies that an employee is eligible to work, then all the provision that is in the bill does is to say that that employer can rely upon that.

I think whether one is for or against this bill as a whole, this provision that is in the bill, which the gentleman's amendment would seek to strike, this provision in the bill makes a lot of common sense. A State employment commission that does handle verification for other reasons, verification for employment, is frankly in many cases in a much better position to verify who is eligible to work and who is not than an employer who is busy running a business and who does not have access to the records that the State employment commission does. I think it is a commonsense amendment.

Mr. FORD of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in response to the gentleman who has just spoken, I would like to read further from Secretary Brock's letter:

> With respect to the amendment's impact on employer sanctions, we believe it would weaken their effectiveness because it would relieve employers who hire through State employment agencies of any direct responsibility for compliance with Federal immigration laws. This amendment exempts such employers from the requirement, imposed on all other employers, that they sign a government form attesting to the fact that they had examined the job applicant's identification documentation and had no reason to believe that the applicant was an unauthorized alien.

He goes on to say later: "We estimated that State public employment service agencies would spend up to $45 million annually"—and we are talking about State agencies, not the INS, not a Federal Government agency, but we are talking about a burden we are going to place on a State agency that has never had any role in the immigration business. These State agencies, and this is the reason that the National Governors Association also supports my amendment to strike the Brown amendment, in the estimate of the Department of Labor would have to spend $45 million annually, if only those people who now use the State employment office use them; but if other people were encouraged to use the State employment office, as the proponent of the Brown amendment suggests they would in order to get around the duty to examine the papers themselves, then that would increase the volume and would increase the cost proportionately. This is not a cost that is covered by anything in this bill.

The Brown amendment if it were serious should have provided to reimburse the States for the cost incurred by giving them this kind of a burden. The $45 million a year is only assuming you have already invested the State money in recruiting and training the people do to this job.

I think it is an undue burden on the States.

Mr. Chairman, I include the entire letter from Secretary Brock, as follows:

U.S. DEPARTMENT OF LABOR,
SECRETARY OF LABOR,
Washington, DC, July 23, 1986.

Hon. WILLIAM D. FORD,
House of Representatives,
Washington, DC.

DEAR BILL: Thank you for your letter of July 14 requesting my comments on the Brown amendment to H.R. 3810, the Immigration Control and Legalization Amendments Act of 1985.

The amendment provides that a person or entity shall be deemed in compliance with the employment verification system in the case of an individual who was referred for employment by a State employment agency if that person or entity retains documentation of such referral certifying that the agency complied with the verification system with respect to the individual's referral. The Department of Labor opposes this amendment.

As the Department reads the Brown amendment, it does not mandate that State employment agencies issue referral documents certifying that they had complied with the certification provisions. However, employers are likely to push for such documentation for job applicants referred by the State employment agencies once employer sanctions are instituted.

With respect to the amendment's impact on employer sanctions, we believe it would weaken their effectiveness because it would relieve employers who hire through State employment agencies of any direct responsibility for compliance with Federal immigration laws. This amendment exempts such employers from the requirement, imposed on all other employers, that they sign a government form attesting to the fact that they had examined the job applicant's identification documentation and had no reason to believe that the applicant was an unauthorized alien.

In addition we would note that the amendment would result in a sizeable duplication of the documentation and paperwork requirements of the employer sanctions provision. Furthermore, if, pursuant to this amendment, the State employment service agencies were to issue some form of identification documentation to all individuals using their services, this could lead to a large-scale production of fraudulent government documents or a de facto government work identification card.

Regarding the workload for State employment agencies, if the certification of legal work status for all persons referred for employment were undertaken and the appropriate referral documents issued, this would mean a large increase in workload for the State employment agencies. In 1984, in response to a similar provision in H.R. 1510 of the 98th Congress, we estimated that State public employment service agencies would spend up to $45 million annually in order to perform this verification function. That estimate was based on then-current levels of applicants and referrals. If more employers

were to use the public employment service, in order to avoid the verification responsibility by providing themselves with this affirmative defense against employer sanctions, this estimate could be much greater. In addition, we assumed that the term "State employment agency" applied to State public employment service agencies only. A broader reading could presumably include any State-operated employment-related program, such as Job Training Partnership Act (JTPA) programs, the Work Incentive (WIN) program, and others. We have not estimated workload increases for these programs.

Considering all of the above, the Department of Labor opposes the Brown amendment.

The Office of Management and Budget advises that there is no objection to the submission of this report from the standpoint of the Administration's program.

Very truly yours,

WILLIAM E. BROCK.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. FORD].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. GONZALEZ. Mr. Chairman, I demand a recorded vote, and pending that, I make the point of order that a quorum is not present.

The CHAIRMAN. Evidently a quorum is not present. Pursuant to the provisions of clause 2, rule XXIII, the Chair announces that he will reduce to a minimum of 5 minutes the period of time within which a vote by electronic device, if ordered, will be taken on the pending question following the quorum call. Members will record their presence by electronic device.

The call was taken by electronic device.

The following Members responded to their names:

[Roll No. 449]

Abercrombie	Bosco	Courter
Ackerman	Boucher	Coyne
Akaka	Boulter	Craig
Alexander	Boxer	Crane
Anderson	Broomfield	Crockett
Andrews	Brown (CA)	Daniel
Annunzio	Brown (CO)	Dannemeyer
Applegate	Bruce	Darden
Archer	Bryant	Daschle
Armey	Burton (IN)	Daub
Aspin	Bustamante	de la Garza
Atkins	Byron	DeLay
AuCoin	Callahan	Dellums
Badham	Carney	Derrick
Barnes	Carper	DeWine
Bartlett	Carr	Dickinson
Barton	Chandler	Dicks
Bates	Chapman	Dingell
Bedell	Chappell	DioGuardi
Beilenson	Chappie	Dixon
Bennett	Cheney	Donnelly
Bentley	Clay	Dorgan (ND)
Bereuter	Clinger	Dornan (CA)
Berman	Coats	Dowdy
Bevill	Cobey	Downey
Biaggi	Coble	Dreier
Bilirakis	Coelho	Duncan
Bliley	Coleman (MO)	Durbin
Boehlert	Coleman (TX)	Dwyer
Boggs	Collins	Dymally
Boner (TN)	Combest	Dyson
Bonior (MI)	Conte	Early
Bonker	Cooper	Eckart (OH)
Borski	Coughlin	Eckert (NY)
Edwards (CA)	Levine (CA)	Roemer
Edwards (OK)	Lewis (CA)	Rogers
Emerson	Lewis (FL)	Rose
English	Lightfoot	Rostenkowski
Erdreich	Lipinski	Roth
Evans (IA)	Livingston	Roukema
Evans (IL)	Lloyd	Rowland (CT)
Fascell	Long	Rowland (GA)
Fawell	Lott	Roybal
Fazio	Lowery (CA)	Russo
Feighan	Lowry (WA)	Sabo
Fiedler	Lujan	Savage
Fields	Luken	Saxton
Fish	Lundine	Schaefer
Florio	Lungren	Scheuer
Foglietta	Mack	Schroeder
Foley	MacKay	Schuette
Ford (MI)	Madigan	Schulze
Ford (TN)	Manton	Schumer
Frank	Markey	Sensenbrenner
Franklin	Marlenee	Sharp
Frenzel	Martin (IL)	Shaw
Frost	Martin (NY)	Shelby
Fuqua	Martinez	Shumway
Gallo	Matsui	Shuster
Garcia	Mavroules	Sikorski
Gaydos	Mazzoli	Siljander
Gejdenson	McCain	Sisisky
Gekas	McCandless	Skeen
Gibbons	McCloskey	Skelton
Gilman	McCollum	Slattery
Glickman	McDade	Slaughter
Gonzalez	McGrath	Smith (FL)
Goodling	McHugh	Smith (IA)
Gordon	McKernan	Smith (NE)
Gradison	McKinney	Smith (NJ)
Gray (IL)	McMillan	Smith, Denny (OR)
Gray (PA)	Meyers	Smith, Robert (NH)
Green	Mica	Smith, Robert (OR)
Gregg	Michel	Snowe
Guarini	Mikulski	Snyder
Gunderson	Miller (CA)	Solarz
Hall (OH)	Miller (OH)	Solomon
Hall, Ralph	Miller (WA)	Spence
Hamilton	Mineta	Spratt
Hammerschmidt	Moakley	St Germain
Hansen	Molinari	Staggers
Hatcher	Mollohan	Stallings
Hawkins	Monson	Stangeland
Hayes	Montgomery	Stark
Hendon	Moody	Stenholm
Henry	Moorhead	Stokes
Hertel	Morrison (CT)	Strang
Hiler	Morrison (WA)	Stratton
Hillis	Mrazek	Studds
Holt	Murphy	Stump
Hopkins	Murtha	Sundquist
Horton	Myers	Sweeney
Howard	Natcher	Swift
Hoyer	Nelson	Swindall
Hubbard	Nichols	Synar
Huckaby	Nielson	Tallon
Hughes	Nowak	Tauzin
Hunter	Oakar	Taylor
Hutto	Oberstar	Thomas (CA)
Hyde	Obey	Thomas (GA)
Ireland	Olin	Torres
Jacobs	Ortiz	Torricelli
Jeffords	Owens	Towns
Jenkins	Oxley	Traficant
Johnson	Packard	Udall
Jones (NC)	Panetta	Valentine
Jones (OK)	Parris	Vander Jagt
Jones (TN)	Pashayan	Vento
Kanjorski	Pease	Visclosky
Kasich	Penny	Volkmer
Kastenmeier	Pepper	Vucanovich
Kemp	Perkins	Waldon
Kennelly	Petri	Walgren
Kildee	Pickle	Walker
Kleczka	Porter	Watkins
Kolbe	Price	Waxman
Kolter	Pursell	Weaver
Kostmayer	Quillen	Weber
Kramer	Rahall	Wheat
LaFalce	Rangel	Whitehurst
Lagomarsino	Ray	Whitley
Lantos	Regula	Whittaker
Latta	Reid	Whitten
Leach (IA)	Richardson	Williams
Leath (TX)	Rinaldo	Wilson
Lehman (CA)	Ritter	Wirth
Lehman (FL)	Roberts	Wise
Leland	Robinson	Wolf
Lent	Rodino	Wolpe
Levin (MI)	Roe	Wortley
Wright	Wyden	Young (AK)
	Wylie	Young (FL)
	Yates	Young (MO)
	Yatron	Zschau

□ 1645

The CHAIRMAN. Three hundred ninety-nine Members have answered to their names, a quorum is present, and the Committee will resume its business.

RECORDED VOTE

The CHAIRMAN. The pending business is the demand of the gentleman from Texas [Mr. GONZALEZ] for a recorded vote.

Five minutes will be allowed for the vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 55, noes 342, not voting 35, as follows:

[Roll No. 450]

AYES—55

Akaka	Florio	Owens
Atkins	Ford (MI)	Perkins
Barnes	Ford (TN)	Price
Bennett	Gray (PA)	Rahall
Berman	Hawkins	Rangel
Biaggi	Hayes	Savage
Boggs	Hertel	Scheuer
Bonior (MI)	Hoyer	Sikorski
Boxer	Kastenmeier	Solarz
Brown (CA)	Leach (IA)	Stark
Bruce	Lehman (FL)	Stokes
Carper	Levin (MI)	Synar
Clay	Martinez	Vento
Collins	Miller (CA)	Weaver
Crockett	Mineta	Wolpe
Dellums	Mitchell	Yates
Dingell	Morrison (CT)	Young (MO)
Dymally	Murphy	
Edwards (CA)	Oakar	

NOES—342

Abercrombie	Cobey	Evans (IA)
Ackerman	Coble	Evans (IL)
Alexander	Coelho	Fascell
Anderson	Coleman (MO)	Fawell
Andrews	Coleman (TX)	Fazio
Annunzio	Combest	Feighan
Applegate	Conte	Fiedler
Archer	Cooper	Fields
Armey	Coughlin	Fish
AuCoin	Courter	Foglietta
Badham	Coyne	Frank
Bartlett	Craig	Franklin
Barton	Crane	Frenzel
Bates	Daniel	Frost
Bedell	Dannemeyer	Fuqua
Beilenson	Darden	Gallo
Bentley	Daschle	Garcia
Bereuter	Daub	Gaydos
Bevill	Davis	Gejdenson
Bilirakis	de la Garza	Gekas
Bliley	DeLay	Gibbons
Boehlert	Derrick	Gilman
Boner (TN)	DeWine	Glickman
Bonker	Dickinson	Gonzalez
Borski	Dicks	Goodling
Bosco	DioGuardi	Gordon
Boucher	Dixon	Gradison
Boulter	Donnelly	Gray (IL)
Broomfield	Dorgan (ND)	Green
Brown (CO)	Dornan (CA)	Gregg
Bryant	Dowdy	Guarini
Burton (IN)	Downey	Gunderson
Bustamante	Dreier	Hall (OH)
Byron	Duncan	Hall, Ralph
Callahan	Durbin	Hamilton
Carney	Dwyer	Hammerschmidt
Carr	Dyson	Hansen
Chandler	Early	Hatcher
Chapman	Eckart (OH)	Hendon
Chappell	Eckert (NY)	Henry
Chappie	Edwards (OK)	Hiler
Cheney	Emerson	Hillis
Clinger	English	Holt
Coats	Erdreich	Hopkins

Horton	Mikulski	Sisisky
Howard	Miller (OH)	Skeen
Hubbard	Miller (WA)	Skelton
Huckaby	Moakley	Slattery
Hughes	Molinari	Slaughter
Hutto	Mollohan	Smith (FL)
Hyde	Monson	Smith (IA)
Ireland	Montgomery	Smith (NE)
Jacobs	Moody	Smith (NJ)
Jeffords	Moorhead	Smith, Denny (OR)
Jenkins	Morrison (WA)	Smith, Robert (NH)
Johnson	Mrazek	Smith, Robert (OR)
Jones (NC)	Myers	Snowe
Jones (OK)	Natcher	Snyder
Jones (TN)	Neal	Solomon
Kanjorski	Nelson	Spence
Kasich	Nichols	Spratt
Kemp	Nielson	St Germain
Kennelly	Nowak	Staggers
Kildee	Oberstar	Stallings
Kleczka	Obey	Stangeland
Kolbe	Olin	Stenholm
Kolter	Ortiz	Strang
Kostmayer	Oxley	Stratton
Kramer	Packard	Studds
LaFalce	Panetta	Stump
Lagomarsino	Parris	Sundquist
Lantos	Pashayan	Sweeney
Latta	Pease	Swift
Leath (TX)	Penny	Swindall
Lehman (CA)	Pepper	Tallon
Leland	Petri	Tauzin
Lent	Pickle	Taylor
Levine (CA)	Porter	Thomas (CA)
Lewis (CA)	Pursell	Thomas (GA)
Lewis (FL)	Quillen	Torres
Lightfoot	Ray	Torricelli
Lipinski	Regula	Towns
Livingston	Reid	Traficant
Lloyd	Richardson	Udall
Long	Ridge	Valentine
Lott	Rinaldo	Vander Jagt
Lowery (CA)	Ritter	Visclosky
Lowry (WA)	Roberts	Volkmer
Lujan	Robinson	Vucanovich
Luken	Rodino	Waldon
Lundine	Roe	Walgren
Lungren	Roemer	Walker
Mack	Rogers	Watkins
MacKay	Rose	Waxman
Madigan	Rostenkowski	Weber
Manton	Roth	Wheat
Markey	Roukema	Whitehurst
Marlenee	Rowland (CT)	Whitley
Martin (IL)	Rowland (GA)	Whittaker
Martin (NY)	Roybal	Whitten
Matsui	Sabo	Williams
Mavroules	Saxton	Wilson
Mazzoli	Schaefer	Wirth
McCain	Schroeder	Wise
McCandless	Schuette	Wolf
McCollum	Schulze	Wortley
McDade	Schumer	Wyden
McGrath	Seiberling	Wylie
McHugh	Sensenbrenner	Yatron
McKernan	Sharp	Young (AK)
McKinney	Shaw	Young (FL)
McMillan	Shelby	Zschau
Meyers	Shumway	
Mica	Shuster	
Michel	Siljander	

NOT VOTING—35

Anthony	Foley	McCurdy
Aspin	Fowler	McEwen
Barnard	Gephardt	Moore
Bateman	Gingrich	Murtha
Boland	Grotberg	Rudd
Breaux	Hartnett	Russo
Brooks	Hefner	Schneider
Burton (CA)	Hunter	Tauke
Campbell	Kaptur	Traxler
Conyers	Kindness	Weiss
Edgar	Loeffler	Wright
Flippo	McCloskey	

□ 1655

The Clerk announced the following pair:

On this vote:

Mr. Weiss for, with Mr. Barnard against.

Messrs. ROE, GILMAN, WHEAT, and TOWNS changed their votes from "aye" to "no."

Ms. OAKAR changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. FORD OF MICHIGAN

Mr. FORD of Michigan. Mr. Chairman, I offer an amendment.

The CHAIRMAN. THE Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FORD of Michigan: In section 101(a)(1), in section 274A(b) of the Immigration and Nationality Act inserted by such section, strike out paragraph (5) and redesignate paragraph (6) as paragraph (5).

The CHAIRMAN. The gentleman from Michigan [Mr. FORD] will be recognized for 5 minutes and the gentleman from California [Mr. LUNGREN] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Michigan [Mr. FORD].

Mr. FORD of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, after what just happened, I can assure the House that I will not be offering any more amendments supported by the administration this afternoon. I know now what it is like.

This amendment is offered on behalf of the Committee on Education and Labor to close what we believe to have been an inadvertent loophole for a particular type of employment by virtue of the language on page 10 of the bill under subparagraph 5, time for compliance.

□ 1705

We strike this provision of the bill because it would permit an employer to have until noon of the day following the day that he hires the employee to verify whether the employee is or is not a legal alien, or a citizen.

Mr. Chairman, especially in agriculture, but also frequently in construction, employers hire unskilled workers 1 day at a time. There are people who call themselves "day haul contractors" who are down there on the border, and they haul people up. As they fill a bus up, they haul them to the fields, and they work 1 day and they are gone, they are someplace else the next day.

This language would permit the employer who engages in 1-day hiring of unskilled laborers to never verify the status of anybody he was hiring because they wouldn't be there the following day at noon when he was required to get the verification.

This is a very simple amendment; we believe that the committee was prepared to accept this because it does not fly in the face of what they were doing; it is only because of the nature of the 1-day hire for unskilled labor that this language has the unfortunate effect that it would have if it is not stricken.

The CHAIRMAN. The gentleman from Michigan has consumed 2 minutes.

The Chair now recognizes the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Chairman, this is not an inadvertent part of the bill. This part of the bill was placed in as a result of an amendment by the gentleman from Florida [Mr. MCCOLLUM] during our deliberations in the Committee on the Judiciary 2 years ago.

The reason for it is very simple: We have two obligations we place on employers. One is that they not knowingly hire illegal aliens. We place an additional paperwork burden on employers to help in the enforcement of this.

Mention was made by people who testified before our subcommittee that at times when they do hire, and this was some people in agriculture but also other areas, they have a particular time; maybe a week to get a certain thing done.

If someone comes to them and does not have both of the documents necessary, do they have to send them home and lose that day's work?

We said, it seemed to be a reasonable thing that they could allow them to work that day as long as they brought the documentation the next day. The point people should keep in mind is this: If someone intentionally used this as a ruse to hire people who are here illegally, he would still be violating the law and would be subject to the penalties of the law.

This goes to the paperwork burden. This goes to the documentation that he is to keep and which he can use as an affirmative defense. We have made what we thought was a reasonable compromise that worked out in the real workaday world. That does happen that people come to you and may not have both of the documents that are required under the law.

Should that person not be allowed to work that day? Should that employer be denied that person's labor that day? We are saying, let us try and work it out reasonably. If the employer is using it as a ruse, then in fact what we are going to do is find that person liable for violating the law.

I would yield to my chairman on this.

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman from California, my friend, Mr. LUNGREN, for yielding, and I join him in opposing the amendment offered by the committee.

I understand the effort of the committee to be sure that there is not some circumvention of the law, some way to play games with it; but I think

the gentleman has addressed two key elements:

One, this was an effort on the part of the committee, the full Judiciary Committee, to do justice and to realize in its work the demands of the real world.

Second, it was an effort to try to be sure that there was a provision in the bill which would sanction those employers who intentionally engaged in a little rigamarole here on a 1-day basis. It was an effort to solve both problems.

Mr. LUNGREN. Mr. Chairman, I thank the gentleman.

Mr. Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. McCOLLUM], who is the original author of this section of the bill.

Mr. McCOLLUM. Mr. Chairman, we have a lot of problems among our citrus growers, and we found out that Senator THURMOND had problems among peach growers and so on, with a fear that a perishable crop on the ground after a freeze or a frost is going to wind up costing a lot of money to the employer that is unnecessarily going to be lost if he has got to have the documents in hand that particular morning.

After a lot of discussion of this sort of issue, we came to the realization that we could have this 24-hour period without doing any damage to the production of the documents.

I do not think it does. I urge a no vote on this amendment. We need to be able to make this thing workable and realistic for the people to whom it is going to affect, and we cannot expect fresh fruit and vegetable folks to be able to have the kind of protection in growing their crops and harvesting them without this provision in the law.

So I urge that this effort to delete it be defeated, as it was in the past and as it was in conference last year.

Mr. LUNGREN. Mr. Chairman, I want to mention that we have had this in the bill in the past. It is a reasonable accommodation to the real world. It does not allow someone to get around the law. I hope that this amendment will be voted down.

I yield back the balance of my time.

Mr. FORD of Michigan. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, in my first remarks I said that I thought that this unconscionable loophole was inadvertently placed in the bill, but the gentleman from California and the gentleman from Florida have just convinced me that they knew full well what they were doing. They wanted this loophole in the bill; they have identified it for what it is. The people who use day hire, unskilled labor, to pick, as he said, perishable crops would be excused completely from any responsibility to determine at the time they hire the person, whether they are or are not in this country legally.

He says it is inconvenient to do it until the next day; so we now are going to adopt a policy, according to the gentleman from Florida, that says we should determine whether somebody is in this country legally before we give them a job, but not if it is inconvenient. Not if it is inconvenient.

That is inconsistent with what the proponents of this bill have said from the beginning, and I only want to suggest to you that if this is typical of the attitude that lies behind this bill by its supporters over there, I think you are going to have more trouble than you believe when we get to conference.

Mr. McCOLLUM. Mr. Chairman, will the gentleman yield?

Mr. FORD of Michigan. I yield to the gentleman from Florida.

Mr. McCOLLUM. Mr. Chairman, the concern I am pressing on this is the fact that from Florida we have a freeze; that is the problem expressed to me; and the citrus is rotting if it is not picked; it has to be picked immediately. That is the concern expressed to me.

Nobody is trying to get a loophole. We are just trying to hold the employer accountable; and he will be held accountable, but if the person does not have the document on his person at the moment he ought to be able to use him, demand it be there the next day, and that is the one way we can pick the frozen fruit that otherwise is going to rot and be perished.

It is not an effort for normal procedures that we are talking about.

Mr. FORD of Michigan. Reclaiming my time, Mr. Chairman, I wonder if the gentleman could look at me with a straight face and tell me that while he is hiring that person the day he hires them, he cannot ask him whether he is legal or not?

Mr. McCOLLUM. Mr. Chairman, he can, and that is what he is doing; but the question is the documentation, not whether he is asking him. He must ask him under this law.

Mr. FORD of Michigan. So he does not have to look at the documentation until the next day. He does not have to look at the documentation when he hires them; he has to look at it at least 1 day after he hires them.

Mr. McCOLLUM. He has to ask him on the day. He has to ask him on the day he hires him, and if he does not ask him, then he is in real trouble under this bill.

Mr. FORD of Michigan. No, your amendment excuses him from even asking at the time he hires them. He does not have to ask him until noon of the following day.

Mr. McCOLLUM. I disagree, but that is respectfully so.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Michigan [Mr. FORD].

The amendment was rejected.

□ 1715

AMENDMENT OFFERED BY MR. BARTLETT

Mr. BARTLETT. Mr. Chairman, I offer amendment No. 3.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. BARTLETT: In section 101(a)(1), in section 274A(d)(1) of the Immigration and Nationality Act inserted by such section, amend subparagraph (B) to read as follows:

"(B) CIVIL MONEY PENALTY FOR PATTERN AND PRACTICE VIOLATIONS.—In the case of a person or entity which has engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the person or entity shall, after having been afforded notice and opportunity for an administrative hearing, be subject to a civil penalty of not less than $3,000, and not more than $10,000 for each unauthorized alien with respect to whom the violation occurred.".

The CHAIRMAN. The gentleman from Texas [Mr. BARTLETT] will be recognized for 10 minutes and the gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Texas [Mr. BARTLETT].

Mr. BARTLETT. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, it may well be that we will not be required to take the entire time on this amendment, but I would like to take a few minutes to explain the amendment.

The purpose of this amendment is to remove those so-called and very real criminal sanctions including jail time that is a part of this bill and to replace those criminal sanctions with a very large and substantial and, I think, and the Education and Labor Committee believed, more effective civil sanctions including a fine of a minimum of $3,000 per alien and up to $10,000 per alien. The problem with criminal sanctions, Mr. Chairman, is that they are both unnecessary and they are also overkill. Other labor laws include stiff fines for a pattern of practice. This amendment would make this bill consistent with other similar laws in labor legislation that we already have. Employers typically abide by labor laws in this country, as do corporations, and because of the fines, not because of the proposal of criminal sanctions, minimum wage, overtime, fair labor standards, OSHA, EEOC, and others. And they do not include jail time or criminal penalties. This bill should not do it either.

Now, corporations pay fines and most fines of up to $10,000 for violation per alien are very, very real because they create severe economic dis-

incentives to violate this law. But individuals go to jail.

The way the bill is constructed, the individual who would be going to jail would be the person who actually does the hiring, the road construction foreman, the high school principal, the manager of the dry cleaners.

Any hint, it seems to me, any hint of jail time or criminal penalties or criminal charges for making a mistake, for making a mistake in the hiring of someone as to whether or not they are eligible to be hired is something that will so chill a manager or someone at the hiring level that they would choose not to make a mistake and they will not consider anyone who appears to be foreign born.

Now, there is no antidiscrimination provision in this bill, or could ever be written into a bill that could overcome that fear of criminal charges that could be brought. The person who does the hiring is liable for the criminal charges, not the corporation, not the employer.

Mr. Chairman, I refer to the bill itself. There is no defense in the bill that is proposed that would be a defense if that person who is doing the hiring made his hiring decision upon the instruction of his employer. There is no defense if he did not have corporate counsel or he did not have some sort of legal advice, there is no defense if he did not know what a pattern of practice said in the law. If fact, this bill, the imposition of criminal sanctions would so chill hiring decisions as to court such widespread discrimination in this country that it would never recover.

This is the same amendment adopted in last year's bill authored by the gentleman across the aisle, Mr. COLEMAN of Texas, which was adopted by the Committee on Education and Labor, supported by the U.S. Chamber of Commerce, the ACLU, La Raza, UNIDA, the Farm Bureau, LULAC, Republicans and Democrats all across this country. In our rush to stop the flow of illegal workers, we ought to do enough to get the job done, and civil penalties with a $10,000 fine per alien is enough to do that, but this would be the first time that we have made such hiring illegal and it is not necessary. It is counterproductive to go a step further, as the bill does, and to add in criminal charges, to construct such onerous threatening penalties as to cause a new and I think dangerous and vicious round of xenophobia and discrimination against non-Anglos in the hiring marketplace.

I very strongly urge the Members on both sides of the aisle to consider this amendment, whether you are for the bill or against the bill.

Mr. Chairman, I reserve the balance of my time.

Mr. MAZZOLI. Mr. Chairman, I yield 3 minutes to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. I thank the chairman.

Mr. Chairman, I want to tell you a very simple message about this amendment. That is that there are no criminal penalties in this bill for individual violations of this law. There are no criminal penalties in this bill for individual violations of this law. Last year there were. This year the committee has come to the floor with a bill that contains no criminal penalties for individual violations of this law. The only area in which one can be subjected to a 6-month jail term is an area where he is a systematic, regular, repeated violator of the prohibition against hiring people that are not citizens, that is one who participates in a pattern or a practice of violations of this statute.

A person who is convicted the first time of hiring someone who is not a citizen is given simply a citation, no fine. The second time, he is fined $1,000 or $2,000. A third time, he is fined $2,000 to $5,000. Only a person who engages in a pattern or practice of systematic violation would subject himself to a 6-month jail sentence. That is extremely lenient, extremely reasonable, and, I repeat, there are no criminal penalties in this bill for individual violations.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. BRYANT. I yield to the chairman of the subcommittee.

Mr. MAZZOLI. I thank the gentleman for yielding.

Mr. Chairman, he has been one of the strongest proponents on our subcommittee in favor of making this law a workable law and at the same time sending the kind of message that we have to send in order to make this law abided by.

Let me just underscore what my friend has said, and I think he would agree with me. First and foremost, this criminal penalty in the bill does not apply to individual violations; is that correct?

Mr. BRYANT. That is exactly right.

Mr. MAZZOLI. May I also ask the gentleman, is this not in the committee bill the conference committee position adopted in 1984 after that long, arduous conference on the earlier form of the immigration bill?

Mr. BRYANT. Indeed it is. It is a recognition of the need to make a violation more than simply a cost of doing business.

Mr. MAZZOLI. Exactly.

Mr. BRYANT. If we do not have ultimately for the repeated practitioner of violations of this law a jail term, even though it is a short one—6 months is the maximum you can get—we will not have an effective law.

Mr. MAZZOLI. May I ask the gentleman one last question?

I would ask my friend and colleague from Texas, a very valuable member of our subcommittee: Is it not the case that the only way an individual, the only way that there is any triggering of the criminal penalties under this bill is for what the gentleman calls systematic pattern and practice, repeated, blatant kinds of violations of employer sanctions provisions?

Mr. BRYANT. That is correct. And for those types of violators simply putting a $3,000 fine, which is as low as a fine could go under Mr. BARTLETT's amendment, will not be enough because then it would only be a cost of doing business. That admittedly could get them for as much as $10,000, but you could get them for as little as $3,000. Unless you put teeth in this, we are not going to have a serious reform.

Mr. BARTLETT. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. TORRES].

Mr. TORRES. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the amendment to replace criminal sanctions with civil penalties for employers who hire undocumented immigrants.

The provision on employer sanctions currently in the bill threatens employers with a 6-month jail sentence for pattern and practice violations. This is overkill. Adequate provisions already exist with civil remedies and the power of injunction.

Criminal sanctions would result in discrimination. The foreman at a construction site or manager at a restaurant would avoid hiring people who look foreign or speak with an accent.

If employers know that they can be handcuffed and arrested if they make the wrong decision, I seriously doubt that they will take a chance and hire anyone who do not look or sound like American.

Mr. BARTLETT. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, the issue as to whether criminal sanctions are included in the bill or not, and I refer to page 15, where it states very, very clearly that "the person or entity shall be fined not more than $1,000 imprisoned not more than 6 months, or both, for each violation." Now, that is a violation for a pattern or practice. But that individual plant superintendent, that individual hiring foreman is not—all he is going to know is that it is jail time if he makes a mistake.

As the gentleman from California [Mr. TORRES] so eloquently states, he is going to make sure he does not make a mistake because he is not going to consider people who appear to be foreign born.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. I thank the gentleman for yielding.

What we have been talking about from the beginning of this debate is whether or not the question of sanctions really places in the hands of the employer the hardship and the penalty of being both judge and jury. The average employer will try to do the right thing by hiring a person whom he or she believed would be a good employee. The problem is that those of us who are Americans, persons born and raised in this country, with surnames that do not sound Anglo, as well as those persons who speak with an accent, who are also Americans, will find themselves with the burden of trying to prove to the employer who is frightened silly because of employer sanctions.

My colleague from Texas makes good sense. We will have to live for the next 5 or 6 years under the cloud of sanctions. Further, I do not believe that American corporations should be judges and juries.

□ 1730

Mr. MAZZOLI. Mr. Chairman, I yield 3 minutes to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, as reported from the Judiciary Committee, our bill established a criminal penalty for pattern and practice violations of the prohibition against knowingly hiring an illegal alien.

What we have here is an amendment that strikes the criminal penalty for pattern and practice violations.

Mr. Chairman, we feel that criminal penalties are warranted for repeat offenders to assure that unscrupulous employers do not simply absorb the monetary civil penalties provided in the bill as a cost of doing business and continue to hire illegal aliens.

The profits to be made in some cases from hiring and from exploiting illegal aliens are substantial, and we fear that some employers are simply not going to be deterred by civil penalties alone, but warrant criminal penalties when a pattern and practice can be established.

I think also that criminal penalties signal that Congress views repeated disregard of the employer sanctions provisions as a serious office and should result in severe penalties.

These penalties, as we have heard, are graduated, and the criminal penalty will simply not be reached because of ignorance or clerical errors on the part of the employer.

I might add that the administration opposes this amendment. They feel that it would deprive the Government of an option in enforcement. And second that criminal penalties should be available when the employer has actually engaged in a criminal activity such as the smuggling of aliens, the most heinous of the offenses, or the crime of counterfeiting.

I think in balance that we feel, Mr. Chairman, that this amendment greatly weakens the sanctions in the bill and should be defeated.

Mr. MAZZOLI. Mr. Chairman, I yield 3 minutes to the gentleman from Kansas [Mr. GLICKMAN].

(Mr. GLICKMAN asked and was given permission to revise and extend his remarks.)

Mr. GLICKMAN. Mr. Chairman, I think this is a bad amendment and, if adopted, will turn this bill into a toothless tiger, a mamby-pamby immigration bill.

I understand why people do not want criminal penalties, because a lot of folks do not want an immigration bill that will work. They do not want a bill that has the ultimate penalty, a criminal penalty, for a criminal conduct pattern of practice in which you have lots and lots of people employing and utilizing illegal aliens over and over and over again, the ones who are bringing hundreds of thousands of people into this country.

The question is those who are in continuous violation, what do you do with them? If you just make them subject to a civil penalty, I am telling you you do not crack down on illegal immigration in this country.

You must have the capability, you must have the tools at your disposal, to put into effect the ultimate penalty in order to stop illegal immigration.

The purpose of this bill is supposed to be tough, and here we are watering it down, making it easy, making it so people will not have to face that ultimate penalty, and we end up not doing anything with this problem that everybody says could destroy America one of these days.

Let me remind you, under this bill now, for 6 months after the enactment of this bill there is a period of education where there is no enforcement at all. Then for 1 year there is a period where, if you transgress once and knowingly hire an illegal alien, you only get a citation. So you have basically a year and a half of going to school on this bill.

The criminal penalties require all of the criminal law requirements, including beyond a reasonable doubt and all of the other proof requirements. And again, it is for a pattern of practice, a continuing pattern, almost like you were talking about an organized crime situation.

So for the life of me, for an immigration bill that tries to restrict illegal immigration, I cannot understand why we want to remove the option of the penalty, and I urge you to defeat this amendment.

Mr. HUGHES. Mr. Chairman, will the gentleman yield?

Mr. GLICKMAN. I yield to the gentleman from New Jersey.

Mr. HUGHES. Mr. Chairman, I just want to congratulate the gentleman. The gentleman makes an extremely important point. The gentleman is absolutely right.

If in fact you adopt this amendment, it basically guts the penalty provisions of the bill. I do not see how you could be any fairer than you are in the provisions in the bill. It requires a pattern of practice, it requires a series of transactions, more than just one individual transaction where an employer has, perhaps innocently, hired illegal aliens. That is not what we are talking about. We are talking about a pattern of practice in order to establish a violation of this section of the bill.

I would urge my colleagues to reject this particular amendment.

Mr. GLICKMAN. Mr. Chairman, I would just like to reiterate. We are talking about folks here who are not the cream of the crop in American business. We are talking about people who bring in over and over and over cheap labor that they do not want to see having been paid the minimum wage in order for them to enrich themselves. There are very few of these people, but where they exist, they ought to be subject to the ultimate criminal penalty. And by eliminating this provision, you hurt the bill very much.

Mr. BARTLETT. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. COLEMAN].

Mr. COLEMAN of Texas. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. Chairman, I agree with the gentleman from Texas [Mr. BARTLETT] that you do not have to start out with criminal penalties.

Ruin the bill? Let us all get reasonable for a minute. Do you mean to tell me that after this legislation passes, we will never revisit immigration reform again? Of course we will. And if we determine that it is really necessary to have criminal sanctions put into the bill, we can do it. But let us not start putting small business men and women in jail because they have made an error.

I suggest to you that the Bartlett amendment is the way to go, and we can do it with an "aye" vote on this amendment.

Mr. MAZZOLI. Mr. Chairman, I yield the remainder of my time to the gentleman from Delaware [Mr. CARPER].

Mr. CARPER. Mr. Chairman, I thank the gentleman for yielding this time to me.

Mr. MAZZOLI. Mr. Chairman, will the gentleman yield?

Mr. CARPER. I yield to the gentleman from Kentucky.

Mr. MAZZOLI. Mr. Chairman, I would just simply say that despite

what my friend from Texas, Mr. COLEMAN, said a moment ago, simple error, oversight, inadvertent activity under the bill does not warrant in the committee version a criminal sanction. You have to have a pattern and a practice and an intentional flouting of the law.

Mr. CARPER. Mr. Chairman, let me just restate what I think has been stated often enough, I just cannot support the amendment offered by the gentleman from Texas.

I believe, in response to what Mr. COLEMAN of Texas just said, that we do not want to put an individual business man or woman in jail, we do not want them to face criminal sanctions, simply by having made an error. We are not talking about making error after error after error in a pattern that continues to persist. In an instance like that, Mr. Chairman, I think the criminal sanctions are appropriate, and I must vote against this amendment.

Mr. BARTLETT. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we are not speaking of the cream of the crop or the best or the worst of employers. This bill applies not only to every employer in the country, but every person under this section who is a hiring decision. Every superintendent, every foreman, every dry cleaners manager, every person who makes a hiring decision, can read the law that says the person shall be fined not more than $1,000, imprisoned not more than 6 months. It is that imprisonment language that goes further than is necessary.

If sanctions are going to work, a $10,000 per person, per violation fine is adequate to work. To throw in jail time is too much.

□ 1740

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from Texas [Mr. BARTLETT].

The question was taken; and the Chairman announced that the noes appeared to have it.

Mr. BARTLETT. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 137, noes 264, not voting 31, as follows:

[Roll No. 451]

AYES—137

Akaka	Brown (CO)	Crane
Andrews	Bruce	Dannemeyer
Anthony	Burton (IN)	de la Garza
Archer	Bustamante	DeLay
Armey	Callahan	Dellums
AuCoin	Chapman	DeWine
Bartlett	Chappie	Dowdy
Barton	Cheney	Downey
Bilirakis	Coble	Durbin
Bliley	Coleman (TX)	Dymally
Boggs	Combest	Eckart (OH)
Boulter	Courter	Edwards (CA)
Brown (CA)	Craig	Emerson
Evans (IL)	Lagomarsino	Rinaldo
Fazio	Latta	Roberts
Fields	Leath (TX)	Rowland (CT)
Ford (MI)	Lehman (CA)	Roybal
Franklin	Leland	Savage
Gallo	Levin (MI)	Saxton
Garcia	Lightfoot	Schuette
Gejdenson	Loeffler	Shumway
Gibbons	Lowry (WA)	Skeen
Gonzalez	Lujan	Slaughter
Goodling	Marlenee	Smith (NE)
Gordon	Martin (NY)	Smith, Denny (OR)
Gray (IL)	Martinez	Smith, Robert (OR)
Guarini	Matsui	Solomon
Gunderson	McCain	Stallings
Hall (OH)	McCandless	Stenholm
Hansen	Mitchell	Strang
Hatcher	Molinari	Stump
Hawkins	Mollohan	Sweeney
Hayes	Monson	Swift
Hendon	Morrison (WA)	Torres
Hertel	Nielson	Towns
Hiler	Oakar	Udall
Horton	Ortiz	Vander Jagt
Huckaby	Owens	Visclosky
Hunter	Oxley	Vucanovich
Jacobs	Parris	Williams
Johnson	Pashayan	Wolpe
Kasich	Pickle	Wyden
Kemp	Quillen	Young (AK)
Kennelly	Rahall	
Kildee	Rangel	
Kolbe	Reid	
Kramer	Richardson	

NOES—264

Abercrombie	Duncan	Lewis (CA)
Ackerman	Dwyer	Lewis (FL)
Alexander	Dyson	Lipinski
Anderson	Early	Livingston
Annunzio	Eckert (NY)	Lloyd
Applegate	English	Long
Aspin	Erdreich	Lott
Atkins	Evans (IA)	Lowery (CA)
Badham	Fascell	Luken
Barnes	Fawell	Lundine
Bates	Feighan	Lungren
Bedell	Fiedler	Mack
Beilenson	Fish	MacKay
Bennett	Flippo	Madigan
Bentley	Florio	Manton
Bereuter	Foglietta	Markey
Berman	Foley	Martin (IL)
Bevill	Ford (TN)	Mavroules
Biaggi	Frank	Mazzoli
Boehlert	Frenzel	McCloskey
Boner (TN)	Frost	McCollum
Bonior (MI)	Fuqua	McDade
Bonker	Gaydos	McGrath
Borski	Gekas	McHugh
Boucher	Gilman	McKernan
Boxer	Gingrich	McKinney
Broomfield	Glickman	McMillan
Bryant	Gradison	Meyers
Byron	Green	Mica
Carney	Gregg	Michel
Carper	Hall, Ralph	Mikulski
Carr	Hamilton	Miller (CA)
Chandler	Hammerschmidt	Miller (OH)
Chappell	Henry	Miller (WA)
Clay	Hillis	Mineta
Clinger	Holt	Moakley
Coats	Hopkins	Montgomery
Cobey	Howard	Moody
Coelho	Hoyer	Moorhead
Coleman (MO)	Hubbard	Morrison (CT)
Collins	Hughes	Mrazek
Conte	Hutto	Murphy
Cooper	Hyde	Murtha
Coughlin	Jeffords	Myers
Coyne	Jenkins	Natcher
Crockett	Jones (NC)	Neal
Darden	Jones (OK)	Nelson
Daschle	Jones (TN)	Nichols
Daub	Kanjorski	Nowak
Davis	Kastenmeier	Oberstar
Derrick	Kleczka	Obey
Dickinson	Kolter	Olin
Dingell	Kostmayer	Packard
DioGuardi	LaFalce	Panetta
Dixon	Lantos	Pease
Donnelly	Leach (IA)	Penny
Dorgan (ND)	Lehman (FL)	Pepper
Dornan (CA)	Lent	Perkins
Dreier	Levine (CA)	Petri
Porter	Siljander	Traficant
Price	Sisisky	Valentine
Pursell	Skelton	Vento
Ray	Slattery	Volkmer
Regula	Smith (FL)	Waldon
Ridge	Smith (IA)	Walgren
Ritter	Smith (NJ)	Walker
Robinson	Smith, Robert (NH)	Watkins
Rodino	Snowe	Waxman
Roe	Snyder	Weaver
Roemer	Solarz	Weber
Rogers	Spence	Wheat
Rose	Spratt	Whitehurst
Rostenkowski	St Germain	Whitley
Roth	Staggers	Whittaker
Roukema	Stangeland	Whitten
Rowland (GA)	Stark	Wilson
Sabo	Stokes	Wirth
Schaefer	Stratton	Wise
Scheuer	Studds	Wolf
Schroeder	Sundquist	Wortley
Schulze	Swindall	Wright
Schumer	Synar	Wylie
Seiberling	Tallon	Yates
Sensenbrenner	Tauzin	Yatron
Sharp	Taylor	Young (FL)
Shaw	Thomas (CA)	Young (MO)
Shelby	Thomas (GA)	Zschau
Shuster	Torricelli	
Sikorski		

NOT VOTING—31

Barnard	Edgar	McCurdy
Bateman	Edwards (OK)	McEwen
Boland	Fowler	Moore
Bosco	Gephardt	Rudd
Breaux	Gray (PA)	Russo
Brooks	Grotberg	Schneider
Burton (CA)	Hartnett	Tauke
Campbell	Hefner	Traxler
Conyers	Ireland	Weiss
Daniel	Kaptur	
Dicks	Kindness	

□ 1750

The Clerk announced the following pair:

On this vote:

Mr. Gephardt for, with Mr. Barnard against.

Messrs. LOEFFLER, FAZIO, HORTON, and GUARINI changed their votes from "no" to "aye."

Mr. MICA and Ms. MIKULSKI changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. LUNGREN

Mr. LUNGREN. Mr. Chairman, I offer amendment No. 5.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. LUNGREN: In section 101(b)(1), at the end of subsection (a) of section 274B of the Immigration and Nationality Act inserted by such section, insert the following new paragraph:

"(4) ADDITIONAL EXCEPTION PROVIDING RIGHT TO PREFER EQUALLY QUALIFIED CITIZENS.—Notwithstanding any other provision of this section, it is not an unfair immigration-related employment practice for a person or other entity to prefer to hire, recruit, or refer an individual who is a citizen or national of the United States over another individual who is an alien if the two individuals are equally qualified.

The CHAIRMAN. The gentleman from California [Mr. LUNGREN] will be recognized for 10 minutes and the gen-

tleman from Kentucky [Mr. MAZZOLI] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. LUNGREN]

Mr. LUNGREN. Mr. Chairman, I yield myself such time as I may consume.

□ 1800

Mr. Chairman, this amendment goes to the section of the bill known as the Frank amendment. As some Members will recall, this amendment became a point of controversy in the conference last time and has remained somewhat a point of controversy throughout the subcommittee and the committee deliberations. That Frank amendment deals with the question of potential discrimination visited upon individuals as the result of the specter of employer sanctions.

This amendment amends that section of the bill to state that notwithstanding any other provision of this section, it is not an unfair immigration related employment practice for a person or other entity to prefer to hire, recruit, or prefer an individual who is a citizen or a national of the United States over another individual who is an alien if the two individuals are equally qualified.

It seems to me, Mr. Chairman, that when two individuals are equally qualified, the employer should be allowed to exercise this small amount of discretion for whatever reason to hire a citizen or national of the United States over another individual who is an alien.

The current problem illustrates the need for this amendment. I think this problem occurs in defense contracts.

Members will know in dealing with employers in their districts that we require by law employees of defense contractors to be citizens. We do not grant any exceptions. If someone has a defense contract and wants to hire a citizen, this discriminates against noncitizens, even though they may at some point in time intend to become citizens.

So what we have done in the law is to say that for reasons we think are important, if you are a defense contractor you have to hire citizens.

The Frank amendment, if unamended, says that if you decide to hire a citizen over a noncitizen, you can become subject to a new civil action, a new civil right, that noncitizens have.

It seems to me that both of those elements in the law would therefore collide.

The problem ensues, which I think cannot be dealt with if this amendment is not adopted, that problem is for companies who wish to put themselves in the position of bidding on defense contracts in the future. What do they do? Do they hire noncitizens because the law requires them not to prefer citizens? Then when they attempt to get a job with the Defense Department, a contract, say that we are going to fire the people we have relied on? It does not make sense.

Some have said that we have certain exceptions, that when you intend to become a defense contractor. Well, how far back to do you go? How do you figure that out?

Look at many of the small businesses in your district. Oftentimes they hope to get a defense contract in the future. So how do you deal with it?

It seems to me to get out of this catch-22 situation, this amendment is the best way to do it. It says that irrespective of the Frank amendment, if you have as an employer a citizen and a noncitizen in front of you, equally qualified, and you are trying to make a hiring decision, one is a citizen and one is a noncitizen, they are equally qualified, you have every right under the law to prefer the citizen over the noncitizen.

It seems to me we allow it in other hiring practices of the Government. We ought to allow it in the private sector.

If people are concerned about discrimination, it seems to me the universal paperwork burden that we have in the bill is the best way to take care of discrimination. If an employer has to require that paperwork of anybody, no matter how they look, blue eyed, brown eyed, black hair, blond hair, swarthy complexion, light complexion, there is no incentive for them to discriminate.

The gentleman from New York said that he is not worried about the bigots. He is worried about the nonbigots who might be concerned about running afoul of the law. I think that takes care of it.

This in my judgment is an absolutely essential amendment so that we do not run into the problem of putting our citizens in the position of a most difficult decision.

Mr. MAZZOLI. Mr. Chairman, I yield myself 1 minute.

Mr. Chairman, I am not sure really whether I am in opposition or in support of the gentleman's amendment.

May I ask the gentleman just one basic question. We dealt with this thing in the committee up and down the line. I know the gentleman is going to engage in a discussion with our colleague, the gentleman from Massachusetts; but I guess the one question I have is: When you have two equally qualified, who makes the determination of who is equally qualified? Does the gentleman have any sort of advice to us that this will be used in some way as a dodge or a device to somehow defeat the law?

Mr. LUNGREN. Well, no. If the gentleman will yield, I would just say to the gentleman that I assume the person who would finally make the determination would be the governmental structure that has been set up in the Frank amendment, or whatever comes out of the conference. It will only come up if an action were taken against an employer. He would have to show they were equally qualified.

I would say in most cases, I would hope that the doubt would be resolved in favor of the employer to make the decision as to equal qualifications.

Mr. MAZZOLI. Mr. Chairman, I yield 5 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, I am opposed to the amendment. I understand its appeal to some Members and I want to both discuss my reasons for opposition, but also on my time to discuss the implications of the amendment of the gentleman from California.

I want to set the context of the antidiscrimination provision for this amendment and for amendments that will follow.

We are putting forward in here a new concept, sanctions for employers who hire people who are here illegally. I favor that. I think it is necessary to deal with the economic incentive that brings some people here.

A number of people, especially Hispanic Americans, are afraid because Hispanic Americans have had some experience with discrimination and because so much of the immigration, legal and illegal, occurs on our border with Mexico, that the introduction of employer sanctions may increase discrimination against people based on their ethnicity because people will say, "Gee, the surest way not to hire anybody illegal is to not hire anybody who is Hispanic." We hope that is wrong and we are going to do everything we can to discourage that.

In 1984 when this bill was last on the floor in the House, an amendment had been prepared by the gentleman from California [Mr. HAWKINS], which I then offered after it was defeated in another form, that set up a special provision to deal with discrimination that may come because of employer sanctions. That was substantially compromised, as the gentleman from California [Mr. LUNGREN] pointed out in the 1984 conference.

What you have before you is what the conference agreed to—Mr. Chairman, if the Members will listen, they may find it is more exciting than it seems.

We are dealing here with what we came out of conference with. The reason it deals with noncitizens is that under the legalization portion of this bill, the matched pair of sanctions, we are telling people who have been here illegally, "We want you now to present yourselves for legalization," but we do not want them to be in limbo where while they present themselves they will not get any job protection, be-

cause people say, "Hey, I don't like you getting legalized and I won't hire you." They are not otherwise protected.

The intent of the overall amendment was to provide them protection. I stress that because I believe in the form that we now have it, and if the amendment of the gentleman from California is adopted, I suppose it is even more acceptable to people on the other side who would have accepted it in conference, this is an essential part I believe of any immigration bill. If we are going to have sanctions, many of us feel in good faith with a lot of citizens, especially Hispanic Americans, requires that we deal with the potential for antidiscrimination. If we get rid of sanctions, we get rid of this. It exists to deal with the potential of sanction driven discrimination and it is an essential provision, because we do not want to further burden the EOC.

Now, we did cover noncitizens. The gentleman from California has an amendment which says, as I understand it, and this is where I would like to address him, not that it totally strips out protection for noncitizens, but that an employer who is faced with people of equal qualifications who decides to prefer the American citizen can legally do so; not that an employer is being invited to say, "I won't hire any of those people who will be legalized."

Mr. Chairman, I yield to the gentleman from California for a reply to see if I have correctly stated that proposition.

Mr. LUNGREN. Well, that is correct. What my amendment says specifically is that if an employer has a situation in which the decision is to be made between a citizen or national and someone who is a noncitizen here legally, that he can prefer the citizen or national over the noncitizen or national if they are equally qualified. That is what it says.

Mr. FRANK. If the gentleman will further forebear, that is not meant to be any invitation to an employer to refuse wholesale to hire the people in this legalizing category; is that correct?

Mr. LUNGREN. That is true, sure.

Mr. FRANK. Mr. Chairman, I thank the gentleman.

Let me say that I do not like this amendment, but I do not like it less than I do not like some others.

I understand the difficulty of the concept we have got here. I think we have provided in the bill for the situation the gentleman talked about. We did try to provide for an employer who had some legal requirement to hire citizens. I understand that. I think we have dealt fairly with that.

I would point out that organized labor has supported the amendment in the form it is in and it did get agreement, although reluctant agreement, from the other body; so I hope this amendment is defeated, but I do want to stress in any case that I think it is important that we have, given the sanctions, some form of an antidiscrimination provision. I know a later amendment will come to try to kill the whole thing.

I just want to point out with regard to this amendment that any employer as a general matter of antidiscrimination, I would point out that under this amendment, and it is very explicit in the report language, the burden of proof of proving discrimination is on those who would charge it. The employer does not have to prove that he or she was innocent. Somebody else has to prove he or she was guilty. An employer faced with two people of equal qualifications, under existing law, can in fact pick anybody under any circumstances; so I do not believe that it is necessary to establish that particular point. Therefore, I am opposing it, because an employer can do whatever he or she wants, presented with two people of equal qualifications; but I want to stress again the importance, the centrality of this bill if it is to survive, of a significant antidiscrimination mechanism to deal with the potential discrimination that may come from sanctions.

□ 1815

The CHAIRMAN. The gentleman from Kentucky [Mr. MAZZOLI] has 3 minutes remaining, and the gentleman from California [Mr. LUNGREN] has 5 minutes remaining.

Mr. MAZZOLI. Mr. Chairman, I yield myself 2 minutes.

Mr. Chairman, I ask my friend, the gentleman from Massachusetts [Mr. FRANK], whose service on the committee has been noble, and whose work in trying to get a bill has gone back many years—as the gentleman heard earlier, I have some reservation about the amendment of the gentleman from California [Mr. LUNGREN]. I worry that there may be some use of this as a dodge or a device to get around the question.

I am heartened by what the gentleman from Massachusetts has said, that centrality in this matter is preservation of the Frank language, which is in the bill before us. That, which comes up at a later stage, is more central, more vital, and profoundly influential on the gentleman's feeling toward the bill than maybe this particular amendment.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Massachusetts.

Mr. FRANK. Mr. Chairman, let me say, in the interest of truth in labeling, it is the Hawkins language, because in a complicated parliamentary situation, this was drafted by the staff of the Committee on Education and Labor. It is the Hawkins language as it survived the conference with the Senate.

Now no author wants to claim pride of authorship after a conference with the other body, but the fact is that the central provision here is some mechanism, a brandnew mechanism to deal with a brandnew potential source of discrimination, and if sanctions do not cause discrimination, then this will not have much to do, and we can get rid of it. But yes, it is central that we have some protection. I do not think that we have a bill without it.

Mr. LUNGREN. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, this amendment attempts to clean up a proposition which is fundamentally flawed. What it attempts to do is to state that when there are two applicants for a job who are equally qualified, one of whom is a U.S. citizen and another of whom is not, but does have a green card, it is not illegal to hire the U.S. citizen over the alien who is allowed to work.

Now what is wrong with that? It seems to me that when there are two equally qualified people applying for a job, the employer ought to be able to choose whomever he wants, and not be subject to a charge of discrimination.

The fundamental flaw of the entire proposition is that adopting an antidiscrimination provision against alienage, and elevating alienage to race, creed, color, national origin, or sex on the things that cannot be discriminated against in the hiring process, effectively takes away the rights of an employer to choose a more qualified person.

Very frankly, the next amendment is to strike this proposition altogether. I hope that that amendment is approved. However, if the amendment is not approved, at least we ought to give employers the assurance that they will not be hauled before a special office in the Justice Department if they decide to go with a U.S. citizen over an alien.

Mr. MAZZOLI. Mr. Chairman, I yield myself my remaining time.

Mr. Chairman, just to mention to the Members of the House who may share some concern about language that might amend the underlying Frank language and somehow fail to protect the individuals who might be covered by employer sanctions, I would just cite that title IV of the bill before us is replete with studies that have to be made by agencies of Government, and the Civil Rights Commission is supposed to issue three reports on the discriminatory effects, if any, of this bill when it is implemented.

Mr. SENSENBRENNER. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman from Wisconsin.

Mr. SENSENBRENNER. Mr. Chairman, how is the Civil Rights Commission supposed to issue these reports if we are defunding them?

Mr. MAZZOLI. I would hope, and I appreciate what the gentleman has said, and I understand that they are not exactly numero uno on the Federal spending cycle, but those reports will be picked up, because we want this bill not to be unwittingly discriminatory.

Mr. BUSTAMANTE. Mr. Chairman, I urge my colleagues to oppose the Lungren amendment which would institute employment discrimination against legal U.S. residents.

This legislation is regressive, both on legal and moral grounds. Under present law, residents admitted to this country are expected to support themselves, otherwise they are subject to deportation. It makes no sense to admit immigrants and refugees to this country, require them to work, and then allow employers to refuse them employment because of their immigration status. This amendment would restrict a legal resident's right to work—a right which has been consistently upheld by the Supreme Court. The Supreme Court has recognized the importance of a legal resident's right to work as the very essence of personal freedom and opportunity that the 14th amendment intended to secure. However, the Lungren amendment would curtail such right and freedom as guaranteed under our Constitution.

If the author of this amendment is concerned about protecting employers from the charge of discrimination should they choose either of two equally qualified applicants, let me inform him that these employers are protected as is clearly stated in the Judiciary Committee report on this bill. I, therefore, urge you to oppose the Lungren amendment.

Mr. MAZZOLI. Mr. Chairman, I yield back the balance of my time.

Mr. LUNGREN. Mr. Chairman, I yield back the balance of my time.

Mr. CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. LUNGREN].

The question was taken; and the Chairman announced that the ayes appeared to have it.

Mr. GONZALEZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was refused.

Mr. GONZALEZ. Mr. Chairman, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The CHAIRMAN. The Chair will count for a quorum.

One hundred twenty-three Members are present, a quorum.

So the amendment was agreed to.

AMENDMENT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. SENSENBRENNER: In the heading to section 101, strike out "AND UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES" and conform the table of contents accordingly.

Strike out subsection (b) of section 101 and redesignate the succeeding subsections of section 101 accordingly.

In section 101(e), strike out "items" and insert in lieu thereof "item".

In section 101(e), insert closing quotation marks and a period after the item relating to section 274A and strike out the item relating to section 274B.

The CHAIRMAN. The gentleman from Wisconsin [Mr. SENSENBRENNER] will be recognized for 10 minutes and the gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, my amendment would strike the so-called Frank anti-discrimination language—language totally unacceptable as a matter of policy and as a matter of law. This language would broaden the coverage under the current provisions of title VII, create a new protected class and create a new bureaucracy outside the EEOC for adjudication of complaints.

Immigration reform has been around, as most of us here are well aware, for quite sometime. The Frank language, on the other hand, is a relative newcomer. So new, in fact, it wasn't even offered in this committee last Congress. It's not in S. 1200 this Congress, and the only hearing has been 1 day of testimony—a joint House-Senate hearing last year.

Mr. Chairman, anyone who sat through the testimony and subsequent questioning has to come away wondering, "What are they doing, and why is this language in the bill in the first place?" More importantly, no one could answer—all things being equal, should it be against the law for an employer to prefer to hire a U.S. citizen!

The subcommittee did get some answers, though. We are asked to put into place a new precedent-setting bureaucracy and laws which would give aliens in this country greater rights and protections than citizens?

We are told sanctions might cause discrimination, yet no one has to prove sanctions cause discrimination. Rather, sanctions are being used as a scapegoat—an excuse to broaden civil rights coverage without going through title VII. In a GAO report, not one of the countries having employer sanctions indicated a problem of discrimination among citizens or legal aliens. The Rev. Theodore Hesburgh was quoted in the Washington Post last year,

• • • a combined penalty and verification system would not increase discrimination against Hispanics, calling such a contention, the most flimsy argument you find in this whole area.

Expert testimony before this subcommittee couldn't come up with one example of alienage discrimination. Several witnesses testified to the possibility of national orgin discrimination—an area already covered under title VII—but not alienage discrimination. As Paul Grossman, a witness who appeared before the subcommittee and who is both a recipient of the 1978 MALDEF Service Award and, at one time, the manager of one of the largest labor practices in the Southwest, indicated to us, he has never heard of a case of alienage discrimination; national origin discrimination, yes, but alienage discrimination, no. He indicated, too, that he does not believe the problem, if it exists, falls on the shoulders of small employers. He takes the view it is large employers of the kind covered under title VII who create the greatest abuse. National origin is not covered under title VII of the Civil Rights Act, and I believe, absent proof to the contrary, which was not forthcoming during the hearing, existing law is sufficient.

The answers the subcommittee did get during the hearing revealed flaws and problems so numerous as to defy the imagination.

It would create an entirely new protected class under Federal civil rights laws, namely noncitizens.

It would broaden coverage to all employers.

Does it cover part-time, as well as full-time employees? We don't know.

It omits the protections created over time which are contained in title VII such as occupational exceptions and prohibitions against preferences—sections 703(e) and 703(j)).

It allows different standards.

It sets the stage for conflicting precedents.

It allows private right of action.

Allows two bites from the apple—one from the EEOC and one from the special counsel this language creates.

It sets precedents where administrative law judges are not only the final arbiter, but can set attorney fees as well.

It has unrealistic and unworkable timeframes.

Mr. Chairman, I could go on and on. The proponents of this language have created more questions than they have answers. Questions that need more than 1 day's study. If sanctions do in fact cause discrimination, then the committee can and should act at a later date. Then they will be acting on fact and information, not guesses and supposition. Therefore, Mr. Chairman, I urge that my motion to strike be adopted.

□ 1825

The CHAIRMAN. The gentleman from Wisconsin [Mr. SENSENBRENNER] has consumed 5 minutes.

Mr. MAZZOLI. Mr. Chairman, I yield myself 1 minute to speak in opposition to the gentleman's amendment.

Basically speaking, it seems to me that if we are going to have employer sanctions, and we keep saying that that is one of the centerpiece elements of this bill, then it seems to me that in balance and in equity and perspective we ought to have in here something like the Frank amendment. Now I might have crafted it somewhat differently than the gentleman from Massachusetts has done, but essentially it says to those who are in this Nation, and those who have come here, sometimes illegally, that you have, in the event that there is discrimination applied to you or directed against you because of your ethnicity, because of your race, because of your background, that you will have some opportunity to redress that grievance.

I think if the amendment of the gentleman from Wisconsin [Mr. SENSENBRENNER] to strike this entire section were to prevail our bill would become imbalanced, unfair and certainly lacking the equity that I think the underlying bill does. So I would certainly urge my colleagues to oppose the gentleman's amendment, support the committee and support the committee's language as it has been amended by the gentleman from California, and leave us a good solid bill.

Mr. Chairman, I yield 3 minutes to the gentleman from New Jersey [Mr. RODINO], the distinguished chairman of the full Committee on the Judiciary.

Mr. RODINO. Mr. Chairman, I thank the gentleman for yielding me this time.

Mr. Chairman, I rise in opposition to the motion to strike of the gentleman from Wisconsin. This amendment flies in the face of the action taken last Congress when this body approved the Frank amendment by a vote of 404 to 9.

Why did we adopt the Frank amendment? Because there has been serious concern on the part of those who fear the possibility of employment discrimination based on alienage or national origin. We wanted to allay their concerns and their fears, so we devised an amendment which would provide effective remedies in the event of discrimination.

The gentleman from California who previously offered his amendment allows a hiring preference for citizens over aliens if both are equally qualified. The gentleman from Kentucky [Mr. MAZZOLI] stated a while ago, that there is a balance and equity in creating sanctions then we have got and at the same time providing a remedy should discrimination occur.

To provide such a remedy we have set up the Special Counsel in the Justice Department to handle discrimination complaints.

Mr. Chairman, I believe that we should defeat the motion of the gentleman from Wisconsin. It would be unreasonable, to establish a program that could conceivably create a problem and not at the same time provide a remedy, and a mechanism to achieve that remedy, for individuals who have been prevented from finding gainful employment.

Mr. MAZZOLI. Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. FISH].

Pending that, let me thank the gentleman in the chair, Mr. NATCHER, for presiding to this point in the way that he has. It has made the bill move very smoothly.

Mr. FISH. Mr. Chairman, I rise in support of the antidiscrimination provision, so-called Frank amendment, which is now part of our immigration bill, and in opposition to the motion to strike.

Mr. Chairman, it has been mentioned that this provision was the result of 1 day of hearings. It seems to me at the last conference it was the subject of each day of 10 days at which time it was greatly modified from its original statement.

The interesting thing is that there were three major issues on which that conference in 1984 floundered. One was the antidiscrimination provision, second was the cap on reimbursing the States, and the third was the agriculture provision.

Now we have resolved here, and we are here tonight because we have resolved the agriculture labor provision. We saw the President and we resolved the cap provision on reimbursement, and now let us not go back and undo what we all now find acceptable in the antidiscrimination provision.

The concern that this bill might inadvertently lead to preference for aliens has been dealt with just in the last few minutes by the Lungren amendment. The antidiscrimination provision would not duplicate EEOC coverage. It would only apply where no EEOC coverage exists.

Mr. Chairman, numerous witnesses in the past Congresses have expressed their deep concern that the imposition of employer sanctions would cause extensive unemployment discrimination. Here we are addressing the employer sanction concerns that employers in our bill will be reluctant to hire certain persons because of their ethnic background. Barriers should not be placed in the path of permanent residents and other aliens who are seeking employment. It just makes no sense to admit immigrants and refugees, requiring them to work, and then not protecting them from discrimination.

Mr. Chairman, I urge my colleagues to vote against the pending amendment which seeks to strike the antidiscriminatory provisions.

□ 1835

Mr. SENSENBRENNER. Mr. Chairman, I yield 2 minutes to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. Mr. Chairman, I thank the gentleman for yielding this time to me, and I stand in support of the gentleman from Wisconsin's [Mr. SENSENBRENNER] motion to strike.

I cannot disagree with anything that has been said by any of the speakers except the bottom line as to what their conclusions happen to be, from where they start to where they end up.

All of us have heard, who listen to the radio here in the Washington area, situations where employment opportunities are out there and only citizens need to apply. I think we have to be very cautious of what we are doing here.

There are some sensitive areas of employment in which employers may very well be very wise to limit their employed staff to citizens of the United States.

Now I do not believe, with the Frank amendment in this bill that employers could any longer do that. There is a certain amount of loyalty that goes with being an American citizen or is expected of us as American citizens that do not apply to aliens.

Now if that question can be clarified and if someone were to refute that particular question, then perhaps I could see this from a different standpoint; but I think it is very important, very important that we look at the entire sphere of what we are doing here and if some employer were to limit its employed staff or certain functions of its employed staff to American citizens, then I think they would be in violation of the Frank amendment.

Mr. FRANK. Mr. Chairman, will the gentleman yield?

Mr. SHAW. I yield to the gentleman.

Mr. FRANK. Mr. Chairman, in the first place, if you had requirements that you have to have citizens imposed by some State law or some Federal contract, you would be OK. The amendment makes provision for that.

Second, as the gentleman from California's amendment makes clear, if you decide that in this case or that case, there are several qualified people, you prefer the citizen, that is okay.

Third, the burden of proof is on those who would charge discrimination.

Fourth, and I would just like, if the gentleman would let me, to state: This

does not apply to all aliens. It only applies to those who are not yet eligible for citizenship.

The CHAIRMAN. The time of the gentleman from Florida [Mr. SHAW] has expired.

Mr. MAZZOLI. Mr. Chairman, I yield 1 minute to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. I thank the gentleman from Kentucky.

Mr. Chairman, this is a very central point. We have people to whom we are going to offer the status of legalization. If the point comes at which they have lived in this country long enough to be citizens and choose not to apply for citizenship, then they do not get this protection. This protection only applies to those who have evinced an interest in being citizens, we hope, and have not yet reached that point. We are particularly worried about those who would accept the legalization in that status.

To answer the gentleman's question, if you are in an area—not that it is a policy "I'm not going to hire anybody for any job in my place who's not a citizen," yes, then you would have a problem.

Our view is, if people are going to be here legally, they ought to be allowed to work. We do not want to say that there is this whole class that can only get welfare.

We want to encourage people to take legal status; we do not want people hiding in the shadows. So we want people to be able to say that they will be hired on their merits.

An American citizen can be preferred, and they only get the protection of this up to the point when they can become citizens. If they choose not to become citizens, no protection.

Mr. MAZZOLI. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. EDWARDS].

Mr. EDWARDS of California. Mr. Chairman, this amendment should be resisted; it should be defeated. It is clear that there will be a certain amount of discrimination if employer sanctions are made a part of the law.

I know that because we have had some discrimination in California from employers who thought that the immigration law had been put in place, and there were quite a number of complaints from Hispanics, in particular, who were being discriminated against.

So I think that very definitely we should vote no on this amendment.

Mr. MAZZOLI. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, this Nation if anything was founded on the basic principle of equity, that we would not discriminate, and that we would have no second class citizens in our society.

The fact that we now are implementing sanctions does raise the real and legitimate concern about discrimination based on national origin and alienage.

We do have laws in place that provide protections, on race, discrimination based on creed, national origin and others. There is a gap here at the present time. The gap relates to discrimination based on national origin for a certain number of employees, and also on the basis of alienage.

The Frank amendment tries to provide a correction for that. Surely it is in the best tradition of our society to provide equal protection for all and not to have second class citizens in our society.

I urge you to vote against this amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield such time as he may consume to the gentleman from Colorado [Mr. STRANG].

Mr. STRANG. Mr. Chairman, I rise in support of the Sensenbrenner amendment.

Mr. MAZZOLI. Mr. Chairman, I yield the balance of our time to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. Mr. Chairman, this amendment destroys the balance that many people have tried to create in the proposal that is before us today.

We are prohibiting the hiring of undocumented workers through this bill. At the same time, we have made a decision to carefully craft a legalization program. Now, if this amendment were to pass, we are to say that four categories of people, and only four categories of people, permanent resident aliens, newly legalized aliens, refugees, and asylees; not people here on student visas, not people here on tourist visas, not any of the many other classes of aliens who are in this country legally, but only those four clases will have their protection against the ability to discriminate. They have no help from the Government in the right to obtain a job, to get a promotion, to get equal pay.

What hypocrisy to offer them the status in one hand and then to pull away any protection for their rights. Do we want these people to be busboys and dishwashers and have the most menial jobs and be prevented from moving up the ladder of opportunity?

I urge this body to allow this fundamental protection against alienage discrimination for intending citizens and to vote against the amendment.

Mr. SENSENBRENNER. Mr. Chairman, I yield myself the balance of the time.

Mr. Chairman, for the 8 years that I have been honored to serve in this body, I have served on the Civil and Constitutional Rights Subcommittee of the Judiciary Committee. During that period of time, I have gotten a feel for civil rights laws, and have demonstrated my commitment to stringent enforcement of civil rights laws.

The Equal Employment Opportunity Commission enforces title VII of the civil rights laws, and this proposal of Mr. Frank does not propose to add alienage to the list of protected classes enforced by the EEOC, but rather creates a separate class and a separate bureaucracy within the Justice Department.

Furthermore, the coverage of the EEOC only applies to employers of 15 or more; whereas the coverage of the Frank language is universal in its scope.

Now what that means is that an employer of less than 15 people, not subject to the EEOC requirements against discrimination based on race, creed, color, national origin or sex is subject to these requirements proposed in the language of the Frank amendment.

Frankly, that is unfair, and that is unequal enforcement of the civil rights laws, and in addition creates a bureaucracy to do the job that the EEOC is already doing adequately and admirably.

I would like to report to the membership that becuase of this, the U.S. Chamber of Commerce has come out in support of my amendment, and I received a letter from Albert Bourland, the vice president of congressional relations, that I would like to read, in part:

It says:

> The U.S. Chamber of Commerce will oppose any immigration reform legislation which:
>
> Gives aliens new federal job discrimination protections not available to U.S. citizens;
>
> Creates a new federal bureaucracy within the Justice Department which would result in duplicative investigations, enforcement and efforts;
>
> Bars employers from hiring only U.S. citizens; and
>
> Makes small employers, currently exempt from the requirements of Title VII of the Civil Rights Act of 1964, subject to laws granting new rights for non-citizens.
>
> The Sensenbrenner Amendment would delete these provisions from H.R. 3810, and the Chamber wholeheartedly supports your amendment.

□ 1845

Let us cast a vote for equal treatment under the laws in the civil rights area; let us cast a vote to make uniform the coverage of civil rights laws. The authors of the Frank amendment did not propose to use the title VII enforcement procedure which has worked well. I think that if this argument has any merit to it at all, we should have gone the title VII route rather than creating a new bureaucracy.

Mr. Chairman, I would urge the membership to vote for the motion to strike so we will not have unequal enforcement of the civil rights laws.

Mr. BUSTAMANTE. Mr. Chairman, I rise in strong opposition to the Sensenbrenner amendment which would eliminate the protections against employment discrimination included in this bill.

The potential for employment discrimination under the employment sanctions is great and the consequences of such discrimination are serious. The demonstrated tendency of businesses to play it safe while hiring could jeopardize the employment of as many as 150,000 Hispanic jobseekers every week. Many will minimize the potential for discrimination as a result of employment sanctions; however, the consequence of discrimination is the violation of a fundamental right of all Americans, including Hispanic Americans—the right to work.

Our Declaration of Independence states what is today accepted as a universal human right, the inalienable right to the pursuit of happiness. Employment discrimination would have the effect of denying Americans, especially Hispanic Americans, their inalienable right to the pursuit of happiness. The Frank antidiscrimination provisions included in this bill protect that right. The seriousness of the possibility of employer sanctions threatening such basic right as the right to work requires that we go to all possible lengths to protect that right.

My colleagues, if you believe that protecting the right of Americans to work is worthwhile, vote against the Sensenbrenner amendment which would do away with this fundamental protection.

The CHAIRMAN. The time of the gentleman from Wisconsin [Mr. SENSENBRENNER] has expired.

All time has expired.

The question is on the amendment offered by the gentleman from Wisconsin [Mr. SENSENBRENNER].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. SENSENBRENNER. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 140, noes 260, not voting 32, as follows:

[Roll No. 452]

AYES—140

Archer	Crane	Hansen
Armey	Darden	Hatcher
Badham	Davis	Hendon
Barton	DeLay	Hiler
Bateman	Derrick	Hillis
Bentley	DeWine	Holt
Bliley	Dowdy	Huckaby
Boulter	Dreier	Hunter
Broomfield	Duncan	Hutto
Brown (CO)	Dyson	Ireland
Burton (IN)	Eckert (NY)	Jeffords
Callahan	Emerson	Jenkins
Carney	Fawell	Kasich
Carr	Fiedler	Latta
Chapman	Fields	Lewis (CA)
Chappie	Franklin	Lewis (FL)
Cheney	Gekas	Lightfoot
Coats	Gingrich	Livingston
Cobey	Goodling	Loeffler
Coble	Gradison	Lott
Coleman (MO)	Gregg	Lowery (CA)
Combest	Gunderson	Lungren
Coughlin	Hall, Ralph	Mack
Craig	Hammerschmidt	Madigan
Marlenee	Roberts	Spence
Martin (IL)	Robinson	Stallings
Martin (NY)	Rogers	Stenholm
McCandless	Roth	Strang
McCollum	Roukema	Stump
McGrath	Rowland (CT)	Sundquist
McMillan	Schaefer	Sweeney
Miller (OH)	Schuette	Swindall
Molinari	Sensenbrenner	Tallon
Monson	Shaw	Tauzin
Montgomery	Shumway	Taylor
Moorhead	Shuster	Thomas (GA)
Nichols	Siljander	Valentine
Nielson	Skelton	Vander Jagt
Olin	Slaughter	Volkmer
Oxley	Smith (NE)	Vucanovich
Packard	Smith, Denny (OR)	Walker
Parris	Smith, Robert (NH)	Weber
Petri	Smith, Robert (OR)	Whitehurst
Pickle	Snyder	Whittaker
Porter	Solomon	Wolf
Ray		Wylie
Regula		Young (FL)
Ritter		

NOES—260

Abercrombie	English	Lipinski
Ackerman	Erdreich	Lloyd
Akaka	Evans (IA)	Long
Alexander	Evans (IL)	Lowry (WA)
Anderson	Fascell	Lujan
Andrews	Fazio	Luken
Annunzio	Feighan	Lundine
Anthony	Fish	MacKay
Applegate	Flippo	Manton
Aspin	Florio	Markey
Atkins	Foglietta	Martinez
AuCoin	Foley	Matsui
Barnes	Ford (MI)	Mavroules
Bartlett	Ford (TN)	Mazzoli
Bates	Frank	McCain
Bedell	Frenzel	McCloskey
Beilenson	Frost	McDade
Bennett	Fuqua	McHugh
Bereuter	Gallo	McKernan
Berman	Garcia	McKinney
Bevill	Gaydos	Meyers
Biaggi	Gejdenson	Mica
Bilirakis	Gibbons	Michel
Boehlert	Gilman	Mikulski
Boggs	Glickman	Miller (CA)
Boner (TN)	Gonzalez	Miller (WA)
Bonior (MI)	Gordon	Mineta
Bonker	Gray (IL)	Moakley
Borski	Green	Mollohan
Bosco	Guarini	Moody
Boucher	Hall (OH)	Morrison (CT)
Boxer	Hamilton	Morrison (WA)
Brown (CA)	Hawkins	Mrazek
Bruce	Hayes	Murphy
Bryant	Henry	Murtha
Bustamante	Hertel	Myers
Byron	Hopkins	Natcher
Carper	Horton	Neal
Chandler	Howard	Nelson
Chappell	Hoyer	Nowak
Clay	Hubbard	Oakar
Clinger	Hughes	Oberstar
Coelho	Hyde	Obey
Coleman (TX)	Jacobs	Ortiz
Collins	Johnson	Panetta
Conte	Jones (NC)	Pashayan
Cooper	Jones (OK)	Pease
Courter	Jones (TN)	Penny
Coyne	Kanjorski	Pepper
Dannemeyer	Kastenmeier	Perkins
Daschle	Kemp	Price
Daub	Kennelly	Pursell
de la Garza	Kildee	Quillen
Dellums	Kleczka	Rahall
Dickinson	Kolbe	Rangel
Dicks	Kolter	Reid
Dingell	Kostmayer	Richardson
DioGuardi	Kramer	Ridge
Dixon	LaFalce	Rinaldo
Donnelly	Lagomarsino	Rodino
Dorgan (ND)	Lantos	Roe
Dornan (CA)	Leach (IA)	Roemer
Downey	Leath (TX)	Rose
Durbin	Lehman (CA)	Rostenkowski
Dwyer	Lehman (FL)	Rowland (GA)
Dymally	Leland	Roybal
Early	Lent	Sabo
Eckart (OH)	Levin (MI)	Savage
Edwards (CA)	Levine (CA)	Saxton
Scheuer	Stark	Weaver
Schroeder	Stokes	Wheat
Schumer	Stratton	Whitley
Seiberling	Studds	Whitten
Sharp	Swift	Williams
Shelby	Synar	Wilson
Sikorski	Thomas (CA)	Wirth
Sisisky	Torres	Wise
Skeen	Torricelli	Wolpe
Slattery	Towns	Wortley
Smith (FL)	Traficant	Wright
Smith (IA)	Udall	Wyden
Smith (NJ)	Vento	Yates
Snowe	Visclosky	Yatron
Spratt	Waldon	Young (AK)
St Germain	Walgren	Young (MO)
Staggers	Watkins	Zschau
Stangeland	Waxman	

NOT VOTING—32

Barnard	Fowler	Moore
Boland	Gephardt	Owens
Breaux	Gray (PA)	Rudd
Brooks	Grotberg	Russo
Burton (CA)	Hartnett	Schneider
Campbell	Hefner	Schulze
Conyers	Kaptur	Solarz
Crockett	Kindness	Tauke
Daniel	McCurdy	Traxler
Edgar	McEwen	Weiss
Edwards (OK)	Mitchell	

□ 1900

The Clerk announced the following pair:

On this vote:

Mr. McEwen for, with Mr. Barnard against.

Mr. LENT and Mr. WORTLEY changed their votes from "aye" to "no."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MOORHEAD

Mr. MOORHEAD. Mr. Chairman, I offer and amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MOORHEAD: At the end of section 111, insert the following new subsection:

(g) INCREASE IN BORDER PATROL.—There are authorized to be appropriated, for each of fiscal years 1987, 1988, and 1989, such additional sums as may be necessary to provide for an increase in the border patrol personnel of the Immigration and Naturalization Service so that the average level of such personnel in each such fiscal year is 50 percent higher than such level in fiscal year 1986.

The CHAIRMAN. The gentleman from California [Mr. MOORHEAD] will be recognized for 10 minutes and the gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 10 minutes.

The Chair recognizes the gentleman from California [Mr. MOORHEAD].

Mr. MOORHEAD. Mr. Chairman, the amendment that the gentleman from California [Mr. DREIER] and I are offering provides a 50-percent increase in the number of Border Patrol personnel. Under my amendment, the Border Patrol would be able to hire up to 50 percent more personnel and agents over the fiscal years 1987 to 1989.

At the present time, there are a total of about 3,800 people on the Border Patrol. This amendment would permit the employment of about 1,900 new Border Patrol agents across the borders of the United States, which is about 8,000 miles. Of that number, about 1,900 are on the border of our neighbor to the south, Mexico. There are only about 800 agents on the border at any one time, so that means if all of the agents we had were on the border to the south, there would be only one agent for every 2.4 miles. Is it any wonder that there are millions of people crossing the border each and every year illegally?

Our borders have never been more greatly tested than they are at the present time. There are people coming from 42 different nations. They are not all our neighbors to the south, they come from everywhere around the world, and they come seeking asylum in our Nation. We have legal ways for them to come, but they do not want to wait in line.

They bring with them in many instances drugs, baby smuggling, and all kinds of criminal activities that are caused by this problem. In fact, many of the people coming across the border become victims themselves, so the courts of the United States are tremendously clogged.

In Los Angeles County alone, there is a cost to the taxpayers of nearly $300 million a year. The cost of my amendment for the first year would be about $60 million, but the benefits would be 10 or 15 times that much. We need to do something besides the provisions that we have in this legislation if we truly want to stop illegal aliens from crossing the border and coming into our country.

It will be some time before the benefits of employer sanctions ever take hold. There are many people who cross the border just so that their children can be born in hospitals in the United States and they become citizens down the line when they become of age.

In Los Angeles County alone, over 80 percent of all the children born in the publicly supported hospitals are born of illegal aliens. This is a very severe problem for our State and for all of the States bordering on the border, and for many others that do not.

□ 1910

I believe that it is essential that we take this positive step and we protect the people in our Border Patrol from the deaths they have suffered, from the victims that they have become because they are such a long, thin line that they really cannot protect themselves. It is a war zone down in Tijuana and in other cities on the Mexican border.

Let us protect our Border Patrol by at least giving them the manpower to do their job.

Mr. MAZZOLI. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, let me first commend my friend from California, Mr. MOORHEAD and his associate, Mr. DREIER, for having very strong and continuing interest in the welfare of the Immigration Service and specifically the Border Patrol.

Let me just say that I do not oppose the gentleman's amendment. I would like to refresh the memory of the House and to recite for them the fact that our subcommittee and the Committee on Judiciary and the Committee on Appropriations that deals with this subject have collectively not been inadvertent to the needs of the Immigration Service.

I wish to say that there is an annual appropriation of something over $600 million to the Immigration Service which we have over the years authorized and increased. The bill before us, exclusive of the gentleman's proposed amendment, would in fiscal year 1986 authorize $422 million for the Immigration Service. In fiscal year 1987 it would authorize $419 million. So a total of over $800 million for improving Immigration Service activities.

Breaking it down and arraying this money based upon how the Immigration Service currently arrays its money between services and enforcement, my calculations are that we would have $184 million in fiscal year 1986 and another $184 million in fiscal year 1987 devoted to enforcement. A large amount of that, $164 million of it, involved in Border Patrol. Another $20 million in enforcement activities such as investigation.

My point is that the Committee on Immigration and the Committee on Judiciary has not been inattentive and we have not been unmindful of the problems of the Immigration Service and I am proud of my tenure on the committee and my stewardship, I think, has seen a very significant increase in money in the Immigration Service.

My only question is that I have some question about whether the capacity of Glenco, the facility where the Immigration agents are trained and recruited is really large enough to accommodate all these additional men and women.

I do not oppose the gentleman's amendment. I just simply think we have done a good job on our own which I think would be sufficient without the gentleman's amendment. I question whether the capacity to recruit and train is there if this amendment is agreed to. I will not oppose the gentleman's amendment, because it comes from his heart and it comes from that part of the country where, of course, the whole question of illegal entry is a significant problem.

Mr. MOORHEAD. Mr. Chairman, I yield 2½ minutes to the gentleman from California [Mr. DREIER].

Mr. DREIER of California. I thank the gentleman for yielding me this time.

Mr. Chairman, it is a privilege for me to join with my friend from Glendale as the cosponsor of this amendment. I also would like to compliment the distinguished chairman of the subcommittee for doing what certainly is a very good job on this issue and focusing attention on it.

I am very pleased that he is not opposing the amendment, and I would simply like to make a couple of important points that relate to this issue.

This is an immigration reform bill, but it has become more than that with this amendment. This amendment makes it an antiterrorism bill and an antidrug bill. We have got to realize that while the subcommittee and the full committee have authorized and appropriated certainly an increase, we over the past 5 years have seen a doubling of the flow of illegals across the border.

Over that 5-year period, the committee has actually increased by one-third the total that has been appropriated. While that is certainly a step in the right direction, I do believe that it is not enough.

Mr. Chairman, here in the Capitol we have 1,170 Capitol Police. Unfortunately, along that 2,000-mile border between Mexico and the United States, there are a total of 2,849 agents. I believe that it is critically important if we are to not only address the immigration issue but stem the flow of drugs and turn the corner on this tremendous problem and the threat of terrorism that we do bring about this increase.

Mr. MOORHEAD has appropriately pointed out the tremendous cost that is now imposed on the county of Los Angeles and throughout the country and I do believe that this is a very good amendment and urge my colleagues to support it.

Mr. Chairman, I rise to urge my colleagues to support this amendment to H.R. 3810 offered jointly by Mr. MOORHEAD and myself. Our amendment, which has been introduced separately as H.R. 5385, would authorize a 50 percent increase in Border Patrol above and beyond the provisions already included in the text of H.R. 3810.

As Members with districts so close to the Mexican border, the steady flow of immigrants has affected our area far more seriously and directly than most. Time and again we have heard the facts and figures of how serious the immigration emergency is. And time and again we will continue to hear

that apprehensions are up from over 1.1 million in 1985 to a projected 1.8 million this year. And we will further hear that for everyone apprehended two or three get away. Unfortunately, these figures tend to become incomprehensible numbers to some. But in Los Angeles County we are measuring these figures in more immediate and meaningful terms.

Los Angeles is home to more than 1½ million of these illegal citizens and the legalized children which they have produced. Our local tax bill for providing these individuals social services comes to $200 million annually with the county department of health services alone spending $115 million annually on health care for the more than 600 illegal aliens who occupy beds in our county hospitals. A total of 48,000 children whose mothers are illegal aliens receive $8 million a month from county taxpayers. None of these moneys are reimbursed by the State or Federal Government but are in addition to the Federal funds provided.

Though I generally support H.R. 3810's efforts to address the problem of our open borders, there remains an urgent need within the bill to supplement the ability of the Border Patrol to intercept illegals by increasing the number of agents employed on our southern boundary. Our recent enhancement package of the enforcement apparatus has been successfully implemented according to INS. However, the need and demand for a still greater interdiction effort is clear. The apprehension rate and flow of illegals over the United States-Mexico border has far exceeded the expectations of the enhancement package.

While apprehensions have doubled over the last 5 years, the number of Border Patrol agents have increased by less than one-third during the same period. This year alone, apprehensions are expected to exceed 1.7 million illegals captured. The restrictions which would otherwise be imposed by H.R. 3810 are graduated measures which will take time to implement. The amendment I am offering would provide for immediate increases for the Border Patrol. Additionally my amendment would help to address the growing problem of drug smuggling and threat of terrorism along this border. During 1985, the Border Patrol made 885 narcotic seizures which were valued in excess of $119 million. It is estimated these seizures will exceed 1,200 this year. It is unlikely employer sanctions will do much to curb the drug traffic or terrorists.

Therefore, Mr. Chairman, in order to provide immediate relief from the onslaught of illegal immigration, I urge my colleagues to approve this amendment and beef up our Border Patrol.

Mr. THOMAS of California. Mr. Chairman, will the gentleman yield?

Mr. DREIER of California. I yield to the gentleman from California.

Mr. THOMAS of California. Did I hear the gentleman correctly that there are over 1,100 Capitol Police in this small area?

Mr. DREIER of California. I would say to the gentleman the number is 1,170 Capitol Police.

Mr. THOMAS of California. And that there are only about double that amount on the 2,000-mile border between the United States of Mexico.

Mr. DREIER of California. Exactly.

Mr. THOMAS of California. Are those figures actually correct; you have double checked them?

Mr. DREIER of California. They were provide to me by staff.

Mr. THOMAS of California. That is amazing.

Mr. LAGOMARSINO. Mr. Chairman, will the gentleman yield?

Mr. DREIER of California. I yield to the gentleman from California.

Mr. LAGOMARSINO. I thank the gentleman for yielding.

Mr. Chairman, I think the gentleman's statitstics are very revealing indeed and it certainly points up the need for this amendment.

While this bill, hopefully, will help with the problem of illegal immigration, I do not think it is going to do the whole problem. I think it is especially important that we show that we are going to do what is necessary to control our borders.

Mr. DREIER of California. The gentleman is absolutely right. It is in no way a panacea, but at least it is a step in the direction to which we are referring.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. DREIER of California. I yield to the gentleman from California.

Mr. PACKARD. I thank the gentleman for yielding to me.

Mr. Chairman, it will take 3 years for the effects of this bill, which I totally support, to really change the atmosphere in my district in southern California and in San Diego County.

During that 3 years, our neighbors and our fields and our people are still going to be harassed with the problems we now struggle with. They are caling for increased enforcement from the INS, particularly during the early part when this bill will have little effect and then when the effect comes in, obviously we will not need that much enforcement.

Mr. DREIER of California. I thank the gentleman for his support of the amendment.

Mr. MAZZOLI. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, let me make one last mention. Of course, I think we have got a good amendment here, basically. I do recall a time not too distant when many Members voted for an across-the-board cut in the appropriations for State and Justice, including this particular function of Immigration Service. I would say that it is easy to vote for an authorization, frankly, because money is not connected to it.

I hope that we have the same devotion to improving the plight of the Immigration Service and dealing with immigration reform in the broadest of bases when the next appropriation bill comes out of my friend's committee.

Mr. DREIER of California. If the gentleman will yield, I would simply like to say to the gentleman that I appreciate his going from not opposing the amendment to saying that now it is a good amendment.

Mr. MAZZOLI. I said pretty good.

Mr. Chairman, I yield 2 minutes to the gentleman from New York [Mr. SCHEUER].

Mr. SCHEUER. I thank the gentleman for yielding me this time.

Mr. Chairman, I will add to BILL THOMAS' astonishment one additional fact. We have more law enforcement presence in this tiny, 104 acres in Capitol Hill at any one time than we have on that entire southwest border.

Mr. DREIER of California. If the gentleman will yield, I have the number here. It is a total of 5,000 right here in the District of Columbia and 2,849 on the border.

Mr. SCHEUER. I am talking just about Capitol Hill. We have more law enforcement in the Capitol Police at any one time than we have on our entire southwest border.

Mr. Chairman, this amendment is essential for our national health and our survival as a nation we know now.

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Our borders are out of control. Senator SIMPSON has said it. Many Members of this House have said it. They are leaking like a sieve. We have 2 million illegal immigrants, more or less, coming in every year, in addition to the 6 or 12 million that we have now.

If you look at the demographic statistics, things are going to get much worse, not better, in the years to come, simply because the gap in living standards, the gap in job availability, is going to get much worse.

All of Latin America at the present time needs 4 million additional jobs each year just to stay even with themselves at the pitiful, pathetic levels of roughly 50 percent unemployment and underemployment.

The United States, with an economy 5 times, more than 5 times that of all of Latin America, has never produced more than roughly 3 to 3¼ million jobs. Generally it has been between 2 and 3 million jobs a year.

So Latin America would have to do 10 times as well as they are doing now to provide the jobs that they need. When they do not have jobs, where do

they go? They go north, Mr. Chairman.

Remember, 40 percent of the illegal immigrants who come across the American border with Mexico are not Mexicans; they are Latin Americans who simply transit Mexico looking for jobs.

Mr. Chairman, at any given time no more than 800 Border Patrol agents are guarding our 8,000 miles of international borders.

Despite the best efforts of these overworked agents, illegal aliens are flowing across our borders—particularly our southwest border with Mexico—at an overwhelming and alarming rate.

To put it bluntly, our borders are a sieve. We have lost control of our borders.

One of the basic tenets of a nation's sovereignty is a secure border.

Mr. Chairman, I suggest that given the hemorrhaging that is occurring on our southern border, one could question our Nation's sovereignty.

And the tidal wave of immigrants flowing across our borders—an estimated 2 million this year on top of the 6 to 12 million who are here already—will continue to grow as long as a vast income gap remains between our Nation and those of Latin America.

Consider that Latin America must create 4 million new jobs in each remaining year of this century just to maintain the region's current low rate of employment and underemployment.

It is unlikely that this will occur—given that the U.S. economy, which is 5½ times larger than Latin America's, has never created more than 3.2 million jobs in any one year—even during the halcyon years of the 1970's.

For these reasons I rise in support of the Moorhead amendment to increase the resources for the Border Patrol by 50 percent through fiscal year 1989.

I urge my colleagues to support this effort.

An increase in funding for the Border Patrol is a first step toward regaining control over our borders, but much more needs to be done.

I regret that the House will not have the opportunity to consider the triggered amnesty provision that I proposed along with my colleagues from New Jersey [Mr. HUGHES] and Florida [Mr. SHAW].

This provision would have required a Presidential Commission to determine that our borders were reasonably secured before amnesty for illegal aliens already residing here became effective. Such a provision would help to avoid an explosion of new illegals crossing our borders with the hope of gaining legal status under amnesty.

As written, I am afraid that amnesty will act as a stimulus to an avalanche of further illegal immigration into the United States. The triggered amnesty provision is included in the bill approved by the Senate. Unfortunately, it was amended on the Senate floor to provide that amnesty cannot be delayed for more than 3 years.

Another problem with this legislation is the agricultural guest worker provision. Regretfully, U.S. immigration policy in the past has been driven by agricultural interests and the bill before us today perpetuates that interest and its demand for cheap unskilled labor.

I hope that the guest worker controversy can be worked out in a positive fashion in conference.

Despite these flaws, I intend to support this bill, although I do so reluctantly. This bill is far from a perfect solution, but we've witnessed the price of inaction and that price has grown far too high.

We all are familiar with the societal costs of a porous border: Higher crime rates; increased drug smuggling; undue pressures on our social services; and the very real threat of terrorist penetration.

I view this legislation as a first step toward developing comprehensive immigration reform; immigration reform that truly addresses the need to tighten up our borders.

Experience shows that it probably will take several pieces of legislation to accomplish the goal of a secure border.

Mr. Chairman, when I speak of a secure border, I don't mean a Berlin Wall. I don't support such a barrier and neither do the American people. What is needed is something in between the current deplorable state of our open border and an armed camp.

We need to incorporate more high technology such as remote sensing units and other apparatus to give our Border Patrol personnel the wherewithal to halt the ever-growing numbers seeking freedom and a better way of life in our great Nation.

Taken as a whole, this bill represents our only chance at this time to enact meaningful changes in our outdated immigration laws. In light of the current immigration crisis, we, as responsible Representatives of the American people, must act.

I urge my colleagues to support this bill.

Mr. MOORHEAD. Mr. Chairman, I yield 1 minute to the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, there seems to be a fairly unanimous view on the fact that the gentleman's amendment is a good statement for the House to be making. Let me point out that this is also amendment No. 7, out of 14. I think we are moving along at a good rate, about 45 minutes ahead of where I thought we were going to be at this juncture.

I do recommend that we accept this amendment and move on. There are a couple more we could accept. There are several that will be controversial, but since everybody is in favor of this one, I hope it can be accepted.

Mr. MOORHEAD. Mr. Chairman, I yield such time as he may consume to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I rise in strong support of the Moorhead amendment. It is one of the most important amendments in the immigration reform package.

We must regain control of our borders. The Border Patrol agents we currently have are doing all they can to apprehend the thousands of illegal immigrants streaming into our country, but quite honestly, they are being overwhelmed.

The Moorhead amendment, if adopted, would allow the Border Patrol force to be substantially increased in size. This is vital, if we are going to actually slow, and hopefully stop, the influx of illegal immigrants into the United States. I urge my colleagues to vote yes with me and adopt the Moorhead amendment.

Mr. REID. Mr. Chairman, I rise in support of the amendment. There has been much talk recently of using the military to protect our borders. This is not the solution. Vigilante groups who cannot wait for something to be done have taken matters into their own hands and gone to the border themselves. This is definitely not the answer.

However, I share the sentiments of those who see the obvious solution to stopping illegal immigration: we need to put more people on the border to physically stop people from crossing into the United States. It's that simple. We already have the border patrol established for this purpose, but they are sadly undermanned. We currently have one border patrol agent for every four miles of our Southern border. We now expect one border patrol agent to stop a steady flow of aliens along the length of a distance of 70 football fields. That's a difficult task for ten men, let alone one.

Some argue that this will cost money. In fact, this amendment will save money in the long run. We pay millions and millions of dollars every year to house, feed, educate and hospitalize undocumented aliens and their families. I am told 80 percent of all children born in Los Angeles County public hospitals are born to illegal alien mothers—80 percent!

As a member of the Congressional Border Caucus, I am concerned that the border zone is becoming a chaotic no-man's land, a forboding area for the ordinary people who live there, but a fertile breeding ground for drug smugglers and criminals. Sure there are other ways to combat the crisis, and this bill includes many of them. Yet most of these solutions would not be necessary today if we had long ago treated the root cause and not the symptoms of the problem. I urge my colleagues to adopt this amendment to increase the border patrol by 50 percent. It's very simple: if we want to solve this problem, we need to patrol our borders, and to patrol our borders we need an adequate border patrol.

Mr. MOORHEAD. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. MOORHEAD].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. DE LA GARZA

Mr. DE LA GARZA. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. DE LA GARZA: At the end of Part B of title I, insert the following new section (and insert a corresponding item in the table of contents):

SEC. 116. RESTRICTING WARRANTLESS ENTRY IN THE CASE OF OUTDOOR AGRICULTURAL OPERATIONS.

Section 287 (8 U.S.C. 1357) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of this section other than paragraph (3) of subsection (a), an officer or employee of the Service may not enter without the consent of the owner (or agent thereof) or a properly executed warrant onto the premises of a farm or other outdoor agricultural operation for the purpose of interrogating a person believed to be an alien as to the person's right to be or to remain in the United States.".

The CHAIRMAN. The gentleman from Texas [Mr. DE LA GARZA] will be recognized for 10 minutes and the gentleman from New York [Mr. FISH] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Texas [Mr. DE LA GARZA].

Mr. DE LA GARZA. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the amendment offered by the Committee on Agriculture is designed to provide the protections of the fourth amendment to the Constitution to agricultural employers and employees.

Since *Hester* v. *United States* (265 U.S. 57), the Supreme Court has reiterated, on numerous occasions, the doctrine that there is no constitutional protection against search and seizure in an open field. Immigration and Naturalization Service current policy treats agricultural lands as open fields. Consequently, there is now no requirement that INS enforcement officers obtain a search warrant prior to entering a farm or ranch. Thus, there is a double standard currently imposed on the business of agriculture that is not applicable to other types of businesses.

The protections of the fourth amendment provide a basic right of people to be secure against unreasonable searches and seizures. Such constitutional protections are applicable to persons conducting businesses in office buildings and it is not apparent why persons conducting businesses in fields are any less deserving of this basic constitutional benefit.

The committee amendment merely requires that an INS enforcement officer may not enter an outdoor agricultural operation for the purpose of questioning an alien without the consent of the owner or without a search warrant. Let me point out specifically what the amendment does not do: It does not require a warrant in other cases relating to the arrest of an alien who appears to be in violation of the Immigration and Nationality Act and is likely to escape before a warrant can be obtained; it does not address warrantless entry to apprehend those workers committing a felony; nor would the committee amendment prevent INS officers from entering property within 25 miles of our national borders.

This amendment is particularly important to the agricultural community because it will ensure that, in the future, unlike the past, farming operations will not be disrupted by broad-scale, random raids. Work stoppages are very costly to the farmer, especially when crops need harvesting in a timely manner. Additionally, the Committee on Agriculture has learned of numerous cases in which agricultural employers and employees have been unduly harassed by INS enforcers to the extent that some workers and, in some instances their children, have had their lives jeopardized.

Based on data available to the U.S. Department of Labor, it is estimated that most of the 2 to 5 million undocumented aliens in this country are in the labor market. Since, according to the Attorney General, only 15 percent of these aliens work in agriculture, it is obvious a majority of these aliens are employed in other businesses. Yet, agriculture is receiving the lion's share of INS raids. For example, of the 110,000 undocumented workers apprehended by the INS last year, 72 percent were employed in agriculture. It is clear to the committee that farmers and ranchers and their employees are receiving a disproportionate share of INS scrutiny and that INS is focusing its search and seizure activities in a business which is the easiest to access, the one business that requires no search warrant.

Two provisions of H.R. 3810 should deter hiring of undocumented aliens. H.R. 3810 makes it unlawful for any person or entity, including a farmer, to hire an unauthorized alien. Stiff penalties are imposed for each alien hired in violation of the act. Furthermore, the employer sanctions provisions of H.R. 3810 require that employers, including farmers, complete certain paperwork requirements verifying that their employees are eligible to work in the United States. Employers, including farmers, are subjected to severe penalties for each individual involved if they violate this section of the bill. Employers, including farmers, are required to retain these verification forms which are to be made available to the INS for such period as the Attorney General specifies in regulations.

The Committee on Agriculture feels very strongly that these provisions, coupled with the bill's authorized increase in the border patrol and other INS enforcement activities to prevent the illegal entry of illegal aliens into the United States, eliminates the need for warrantless entry on agricultural lands in the future.

The employer sanctions provisions were designed to ensure that employers of all businesses be treated equally if they employ undocumented workers. Likewise, the Committee on Agriculture amendment would treat equally the INS search warrant requirement for the business of agriculture as well as all other types of businesses.

The House has previously indicated its desire to equate the search warrant provisions to all businesses. On June 13, 1984, the House, in considering H.R. 1510, upheld a Judiciary Committee amendment restricting warrantless entry on agricultural lands. The vote to strike that amendment was rejected by a substantial margin of 133 to 285. Further, the Committee on Agriculture amendment is identical to that approved by the House-Senate conferees in the last Congress, and it is also identical to that contained in H.R. 3810 as introduced by Chairman RODINO of the House Judiciary Committee.

The amendment is supported by farm, civil liberties, and other organizations including the National Council of Churches. I strongly urge its support by the House.

Mr. Chairman, I yield such time as he may consume to the gentleman from Kentucky [Mr. MAZZOLI], the chairman of the subcommittee.

Mr. MAZZOLI. Mr. Chairman, I thank the gentleman for yielding, and I rise in support of the gentleman's amendment. I think it makes a very healthy change in the bill.

I know that it seems to me logical and symmetrical to say that if you have a search warrant to enter some kind of a factory or some sort of a shop, that there ought to be a search warrant required before someone would enter somebody's clothes, somebody's fields. I think that this would be a suitable addition, and I support the gentleman's amendment.

Mr. FISH. Mr. Chairman, I yield 2 minutes to the gentleman from Wisconsin [Mr. SENSENBRENNER].

Mr. SENSENBRENNER. Mr. Chairman, the effect of adopting this amendment is to completely exempt agriculture from employer sanctions, because requiring a warrant for the Immigration Service to go into an open field will be so cumbersome and so procedurally difficult that there will be no open-field arrests of illegal aliens who are working in the fields.

Very frankly, I think that this bill is very generous to agriculture. With the Schumer provisions, the streamlined H-2 provisions, I do not think with these two provisions we ought to have this open field search warrant provision.

Let us look at how this would work out practically. If the Immigration and Naturalization Service suspected that there were illegal aliens working in the field, they would have to go get a warrant from the United States magistrate. To do that, they would have to find out who the owner or the lessees

of the field were. That would require a title search, and in States were leases are not recorded, it would be practically impossible.

But even if they did get the field particularly described and the owner's name put on the warrant, when the Immigration Service people show up, the illegal aliens could simply scamper across the fields to the next adjoining plot of land, which was not covered by the warrant, and then the INS would be thwarted.

Finally, there are humanitarian aspects to this. The border patrol has indicated that in the Yuma, AZ, District, in the desert where it gets cold at night, there were several illegal aliens that were picked up who were lost in the desert. With the search warrant provision, they would not be able to go into the desert to find these illegal aliens and apprehend them and probably save their lives.

The Committee on the Judiciary, by an overwhelming vote, struck the search warrant provision from the Rodino bill, and it is one of the few instances where the gentleman from Massachusetts [Mr. FRANK] and I teamed up on the same side. I think there are civil libertarian implications to this, as well as the fact that we should not be exempting agriculture effectively from employer sanctions.

I would urge this amendment be defeated.

Well, if we leave this section in the bill, we won't need the program because the net effect will be to exempt agriculture from employer sanctions because a search warrant must be obtained before INS could enter a field. Employers will be able to hide in "plain view" aliens who are unlawfully in the United States.

The Detroit sector of the Border Patrol covers the States of Michigan, Ohio, Indiana and Illinois with a grand total of 18 agents. How are they going to effectively run a check, obtain a warrant, and execute the warrant say in southern Illinois or Ohio in a timely and cost effective manner? They aren't and we all know it. So it's no wonder agriculture wants this section left in the bill.

Who else might want this section to remain? Certainly smugglers would—and those who profit from their illegal activities would. How often have we heard or read about literally tons of illegal drugs smuggled across our borders in planes? Quite frankly, I don't know of a single instance where the pilot has radioed ahead to notify the Border Patrol which small air strip or pasture they would be landing in and how long they will be there so the Border Patrol could obtain a warrant. And perish the thought if this happens outside of "normal" business hours. Because, in certain areas, the magistrates aren't available after hours or on weekends, others will not issue warrants by phone, while some magistrates are up to 200 miles apart.

An open field is not the same as an enclosed building with limited exits. If a raid is performed in a building, the exits can be monitored to apprehend any who might try to escape. How do you monitor an open field, particularly when the next field over is owned by someone else who wouldn't be covered by the newly obtained warrant? Do we tell them, "Wait there until I get a new warrant?"

The administration of this section would be a nightmare. Leasing and subleasing of agriculture lands is a common practice. The Border Patrol doesn't have the manpower or resources to spend the time necessary to track owners or agents to obtain a warrant. With fewer Border Patrol agents than Capitol Hill Police, why are we doing everything in our power to make their jobs more difficult? As recently as 1984, the Supreme Court ruled that the requirement for a search warrant does not apply to open fields. Why are we trying to change that?

Then there is the human element. How many lives is this requirement for a search warrant going to cost? There is a 25 mile free zone along the border where the warrant provision will not apply. If you were a coyote smuggling illegals into the United States, or a terrorist sneaking in to avoid detection, once you hit that 25 mile line, you know you'd be home free, because after that the authorities would need a warrant to apprehend you. I don't have any doubts that a terrorist would be physically fit to cover 25 miles in the night. But, what about the people who pay a coyote? Is the coyote who has been already been paid going to slow down his entire group and risk capture if one or two can't keep up? Or is he going to keep up the pace and abandon the stragglers? Saying the requirement could cost lives is not an exaggeration. As an example, every year the Yuma, Ar sector is called upon to track people stranded in the desert where the temperatures can reach 125–130 degrees. How long can someone survive those conditions? And we, in effect, are telling the Border Patrol, "Get a warrant first." As the handout shows, they are not always successful. However, failure to adopt my amendment will cut their rescue ratio down dramatically. I don't want that on my conscience, do you?

Mr. DE LA GARZA. Mr. Chairman, I yield 3 minutes to the gentleman from California [Mr. PANETTA].

Mr. PANETTA. Mr. Chairman, this is an amendment that I offered in the Committee on Agriculture and that was approved by the Committee on Agriculture, because it requires, in line with the fourth amendment protections in the Constitution, that a warrant be provided before the INS enter an agricultural operation.

The provision was part of the bill that was developed 2 years ago in the House. It was agreed to in the conference, and it was part of the bill that was originally introduced by the gentleman from New Jersey [Mr. RODINO] and the gentleman from Kentucky [Mr. MAZZOLI].

The provision is supported by a broad coalition of farm groups, labor groups and, again, civil rights groups that consider this provision to be an important one. Why? Why? Because it is right. It is right legally because we do have a fourth amendment that prohibits the unlawful search and seizures.

That right applies to businesses; it applies to industries; it applies to homes; it applies to citizens. There is one area it does not apply to, to American farmers and American farms.

Surely that double standard ought to be ended.

Second, it is right from an enforcement point of view. We are now applying sanctions to farmers. This bill will apply sanctions to farmers. Therefore, they will be obligated to follow the law with regard to the hiring of undocumented. Surely we ought to require the INS to establish probable cause if they are going to enter property and seek out a search warrant based on probable cause.

The reality is that today when they conduct a raid, they conduct it based on probable cause because they know that that is where they are going and that is where undocumented aliens are known to be. So there is nothing that we are applying here that is very different in terms of probable-cause requirements on the part of the INS.

Last, it is right from a human point of view. Right now, they conduct random raids at whim. It is not only disruptive in terms of the farm operations; it jeopardizes the lives of the workers.

Only a few weeks ago, a worker in my area, during a raid, died as a result of an effort to escape that raid.

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There is no reason why we should not require a search warrant in these operations. It is right legally. It is right from an enforcement point of view and it is right from a human point of view. Get rid of this double standard. Support this amendment.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. PANETTA. I am happy to yield to the gentleman from California.

Mr. PACKARD. Mr. Chairman, under the provisions of this bill, a farmer and all other employers will be able to get all the help they need legally and there will be no reason for them to hire illegal aliens under the provisions of this bill.

Therefore, the search and seizure requirements should be no different than they are for homes or any other entity.

I totally wish to associate myself with the gentleman in the well in support of the amendment.

Mr. FISH. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. DANNEMEYER].

Mr. DANNEMEYER. Mr. Chairman, I rise in support of this amendment.

I would like to point out to my colleagues that this will not prevent any law enforcement agency from entering property within 25 miles of the border.

It would not prevent legitimate hot pursuit of persons that they believe are violating the law and they have the right to inquire as to their status; but what it does do is protect the integrity of a very important industry in the State of California, and I suspect other States in the Union, for those business people who have invested in some cases a lot of their net capital worth in an annual crop that comes due in the form of ripening and eating harvest in one particular season in a very narrow window of time.

The data indicates very clearly that the percentage of the time of law enforcement in making arrests in open fields in agriculture is far greater than the percentage of time of INS agents arresting or inquiring in factories.

Now, that just is not right. It is what you might call cherry picking.

Open fields are entitled, the business of an agricultural interest in an open field is entitled to the protection of our law against unreasonable searches and seizures, and that is all this amendment does.

Mr. BERMAN. Mr. Chairman, will the gentleman yield?

Mr. DANNEMEYER. I am happy to yield to my friend, the gentleman from Los Angeles, CA.

Mr. BERMAN. Mr. Chairman, let me ask the gentleman if he would support a good-faith exception to the search warrant requirement?

Mr. DANNEMEYER. Good-faith exception, is the gentleman offering that?

Mr. BERMAN. No; I just was wondering what the gentleman's position was on the issue.

Mr. DANNEMEYER. Mr. Chairman, if the gentleman would care to offer it, if it is in order, we might consider it.

People who are in the argicultural business in my county, in Orange County, are involved in the strawberry business and they come to me and tell me that in those instances where their crops are ripening and needs to be harvested, they are being interfered with by the INS coming into their fields, and this would merely require a search warrant.

Mr. FISH. Mr. Chairman, I yield 2 minutes to the gentleman from Massachusetts [Mr. FRANK].

Mr. FRANK. Mr. Chairman, this answers a very important question. When we were debating the drug bill, some people wanted to know where were all the civil libertarians? Well, it turns out they were in the open fields trying to protect the poor farmers against raids of all these terrible people.

Mr. Chairman, I hope the amendment is defeated.

A search warrant is to protect your legitimate interest in privacy. There are things which people have a right to do in this country, in my judgment, for which they can expect privacy; but I think we ought to advise them not to do it in open fields. At least if they are going to do it in open fields, they ought not to be surprised if their privacy is not fully there.

We have dealt with the Immigration Service here and they say this is a very serious problem in their ability to enforce immigration laws, drug laws, laws against exploitation of individuals.

Privacy means if you have got a confined space that people do not break in on it.

The Supreme Court has recently ruled, by the way, that this search warrant is not required in these kinds of circumstances. If this amendment passes and we require a search warrant here, understand that these agricultural growers will be the only people in America entitled to search warrant protection in this area. Other people who have backyards and homes, they will not be covered.

We are talking here about an essential law enforcement tool.

Mr. PANETTA. Mr. Chairman, will the gentleman yield? The gentleman is not correct.

Mr. FRANK. Mr. Chairman, if the gentleman will yield me some of his time, I will be glad to respond.

The Supreme Court recently said that you do not have a search warrant requirement in other areas; so if you are doing it just to the agricultural growers, people do not have it in their backyards and elsewhere.

The gentleman tells me this one is across the board. It is a different one than in the committee, and I apologize.

The question remains, however, whether the important concept of protecting privacy is one that makes sense in open fields. What you are talking about is making it virtually impossible to enforce the law against the hiring and exploitation of illegals, because if you have got to go and get the search warrant, by the time you show up in the open fields, the law of violation will not be there.

We are not talking about rummaging through people's homes. We are not talking about breaking into their offices. We are talking about their wide open fields and if they have a privacy right there, it is a brand new right to be private out in the open.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. FRANK. I yield to the gentleman from California.

Mr. PACKARD. One of the primary industries in my area, in coastal San Diego County, is the glass house flower industry, which is in an enclosed area. That would be considered under this bill as an open field. They are right within the neighborhoods of our homes, and what would you do?

Mr. FRANK. I would say to the gentleman that people who live in glass houses should not break laws.

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the gentleman from California [Mr. LEHMAN].

Mr. LEHMAN of California. Mr. Chairman, I rise in support of the amendment offered by my friend and colleague, the gentleman from Texas.

It seems almost incredible to me that we have to have an amendment on this floor to insert in this bill a basic American right, and that is the protection from unreasonable and warrantless search of private property by the Border Patrol.

In no way will this amendment hamper the Border Patrol in the legitimate pursuit of its business. It merely requires that before they come on to someone's farm, and that may be 5 acres, it may be 1 acre, it may be 200 acres, it may be more; it merely requires that they meet the same basic tenet of having a reason to be there and go to court and get permission to come there as they would have to go to any other workplace in this country. That is all the amendment does.

At the present time, this is not in effect and what we have got in California is a situation where the Border Patrol runs rampant with undue harrassment, causing undue work stopages, physical damage to crops, and the people who are victims and in many, many instances, have actually arrested people, detained people who are innocent, who are merely Hispanics working on a farm and were stopped because they did not happen to have proper documentation. They did not have proper documentation because they were bonifide Americans.

Mr. FISH. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BRYANT].

Mr. BRYANT. Mr. Chairman, I think the question is today how much are we going to do for California growers? We are already going to make people citizens basically, so they will have a work force, and then they come to us and ask us to ignore the Immigration Service, to ignore our law enforcement agencies and insert into the law something that has never been there before at any time in our history and that is a requirement that an open field not be searched unless there is a warrant. Those open fields have no such protection at the present time and they have never had that kind of protection at any time in our history.

This is a major, radical step, to protect California growers. I simply ask, how far are we going to go?

Let us not get in the way of law enforcement again. Let us not get in the way of the Border Patrol and the INS. They have asked us not to do this.

I urge you to vote against this amendment. We have never offered

this protection before. It is not needed and it will be a barrier to law enforcement.

Mr. FISH. Mr. Chairman, I yield 2 minutes to the gentleman from New Jersey [Mr. HUGHES], the chairman of the Subcommittee on Crime.

Mr. HUGHES. Mr. Chairman, I thank the gentleman for yielding this time.

Let us take just a minute and think about what we are doing. We are saying that in order for the law enforcement community, the Border Patrol and other law enforcement agencies, to be able to go in open fields, they have to have a search warrant. They have to track aliens and smugglers sometimes as much as 50 miles inland. After 25 miles, this amendment would require them to go and get a search warrant. Where would they go? Sometimes they have to travel 100 miles to get a search warrant.

Do you think that the aliens and the smugglers and the dope peddlers are going to wait while you in fact go in and get a search warrant? It does not make sense.

In the first place, it would be hard to describe the property that you want to search, because they move from field to field. They would have to go into the county clerk's office and determine the location of the smugglers or the aliens, and that is not an easy task to do.

Now do you identify what parcel they are on so you can get a search warrant? You have to be specific insofar as the lands where these individuals are located.

Now, if you really want to hamstring the Border Patrol, support this amendment.

We are arresting 3,000 aliens a day. Every 20 seconds we arrest an alien. We have so many aliens in our holding tanks that we have to close down the operation every month because we do not have enough space to hold the aliens.

Thirty-two percent of our cocaine is coming across the southern border today, 32 percent.

Eighty countries are now coming across our borders. The word is out. If you want to come across into the United States, come through Mexico, because it is an open border. It is a sieve.

If you really want to make it difficult for an overburdened, overworked, understaffed Border Patrol, support this amendment. It does not make sense. It does not make sense to handcuff our law enforcement community like this amendment would do.

Mr. DE LA GARZA. Mr. Chairman, I yield myself 30 seconds, just to correct the wrong perception that I have witnessed, and I say it very respectfully, of the nature of the amendment.

If we read the amendment, we would know that it does not apply within 25 miles of the border.

If we read the amendment, we would know that it is not limited solely to California.

If we read the amendment, we would know that it is not limited solely to aliens.

I am talking about American citizens working in a field. I am talking about resident legal aliens, it is not aimed, nor is it our intent to protect illegality—we just want equality in the application of the law.

Mr. Chairman, I yield 1 minute to the gentleman from Washington [Mr. MORRISON].

Mr. MORRISON of Washington. Mr. Chairman, I thank the gentleman for yielding this time and for making his points of clarification.

Also, these warrants can be obtained by telephone, which is a very standard procedure and should continue, so it would not hamper law enforcement from doing its job.

Mr. PANETTA. Mr. Chairman, will the gentleman yield just very briefly?

Mr. MORRISON of Washington. I yield to the gentleman from California.

Mr. PANETTA. Mr. Chairman, I thank the gentleman for yielding.

Let me also make clear that this would allow for continuing searches and seizures when it comes to every other violation. The drug situation has been raised here. Frankly, it has distorted the issue, because the only time we require search warrants in this instance is when it involves immigration violations, and nothing else.

Mr. MORRISON of Washington. That is precisely the case. I appreciate the gentleman making that point.

Let me give you these numbers. Statistics show that only 15 percent of illegal workers work in agriculture, yet currently 72 percent of the apprehensions that are made of illegal workers in the United States are in agriculture. Very clearly, this is a distortion of the protections that are provided in the laws of the United States.

Let us pass this amendment as proposed by the Agriculture Committee and provide for equity for farmworkers, as well as farmowners.

Mr. FISH. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, we have been told that this amendment would not apply within 25 miles of the border. That is absolutely correct. The Border Patrol agents would have to stop when they reached the 25-mile limit and get a search warrant.

What we are talking about here is smugglers dropping off their load of illegal aliens just below border check points, for the simple reason they know where these are, and without the ability to track and apprehend these aliens, border enforcement is rendered almost useless.

With respect to the law, the current practice with regard to entry of INS officers on open lands without a warrant is supported by the U.S. Supreme Court decisions in Hester, Katz & Oliver.

I think the question is, Do we want tonight to help law enforcement? The administration opposes this amendment. The Commissioner advises me that it would drastically impair the ability of the INS to enforce our immigration laws.

Mr. Chairman, I think we need stronger rather than weaker enforcement by requiring a warrant for entry. It would vitiate the basic thrust of the Immigration and Control Act.

□ 1945

Mr. DE LA GARZA. Mr. Chairman, I yield 1 minute to the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. Mr. Chairman, let me make three or four very important points, and make them quickly.

First, the search warrant which the gentleman's amendment would insert is in the bill in the other body.

Second, I believe that the theory of hot pursuit would permit in most cases the INS to pursue in the event they are on some drug or some other activity; they would not have to worry about the search warrant.

Third, the INS does need enforcement tools, and we are giving them for the first time in history employer sanctions. The most profoundly influential tool that they could have is what we are giving them in this bill. They do not now have it; they will get it if this bill passes.

Last, in the amendment that we just adopted, offered by the gentleman from California [Mr. MOORHEAD], we have in 2 fiscal years, if the money is appropriated, doubled the size of the Border Patrol. It seems to me that that would be sufficient from the enforcement standpoint, because we do need enforcement of the immigration laws.

I submit that it is fair and equitable and proper for farmers, for agricultural interests, to have the same protection that any other U.S. citizen has, which is that the gendarmes do not come in without a search warrant.

Mr. DE LA GRAZA. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Chairman, I rise in support of this amendment that the gentleman from California [Mr. EDWARDS] and I got in the bill last time in our committee. It does not deal with people involved in any other activity except immigration. The whole point is to try to get an equal application of the law in agriculture and nonagriculture. It is not necessarily to

protect agriculture, but also to make sure that if the INS is going to enforce the law, they are going to enforce the law in factories as well as on open fields.

It is to be distinguished from other activities, illegal activities taking place in open fields or anywhere else. It has nothing to do with law enforcement in other areas. I want to make that very, very clear.

Mr. DE LA GARZA. Mr. Chairman, I yield 30 seconds to the gentleman from California [Mr. BERMAN].

Mr. BERMAN. I thank the gentleman for yielding time to me.

Mr. Chairman, I rise in support of the de la Garza amendment. In the Los Angeles region of INS there is a gentleman who I think exploits his opportunities through arbitrary and capricious use as Director of that region to raid employers for purposes of publicity, causing havoc to many legal workers in this country and in that particular area.

A requirement, a simple requirement that probable cause exists before the INS moves onto a particular piece of property is very justified. I urge an "aye" vote.

Mr. DE LA GARZA. Mr. Chairman, I yield myself the balance of my time.

Mr. Chairman, I appreciate the chairman of the subcommittee, the gentleman from Kentucky accepting and agreeing with our committee. This amendment is solely to give to all citizens the right to be free from unreasonable search and seizure. That is all that we do. We ask for equity, we ask for justice, we ask for equality, and we ask for an "aye" vote on the amendment.

Mr. MARLENEE. Mr. Chairman, I rise in strong support of this amendment. Currently, INS agents must obtain a warrant before entering any place of business with the exception of farms and ranches. This exception must be eliminated immediately—which is exactly what this amendment does. Farmers and ranchers should be afforded the same protection that every other businessman enjoys under the fourth amendment of our Constitution which guarantees protection from unreasonable searches and seizures.

Although less than 15 percent of all employed illegal aliens are currently working in agriculture, an astounding 50 percent of undocumented workers picked up by INS agents in the interior of the country are captured while working in agriculture. The lack of a search warrant requirement has produced this heavy-handed harassment on our farmers and ranchers.

Warrantless searches in agriculture are both arbitrary and discriminatory. They discriminate against ranches and farms and their employees. They severely disrupt farm and ranch operations, resulting in thousands of dollars in lost crops and man-hours annually.

This is a matter of simple equity to agricultural property owners and a matter of civil rights to both farmers and farmworkers.

The amendment has been carefully drafted so as not to interfere with enforcement in the border area nor with hot pursuit. It does not apply to nonagricultural open fields and thus is not likely to interfere in any way with illegal drug enforcement as has been charged.

These warrantless searches are the only type of gestapo-police-state activity of this kind allowed in the United States and must be stopped. I urge my colleagues to support this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. DE LA GARZA].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. DE LA GARZA. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 221, noes 170, not voting 41, as follows:

[Roll No. 453]

AYES—221

Abercrombie	English	Lungren
Akaka	Evans (IA)	Mack
Anderson	Evans (IL)	Madigan
Annunzio	Fascell	Manton
Archer	Fazio	Marlenee
Armey	Fiedler	Martin (IL)
AuCoin	Fields	Martinez
Badham	Foglietta	Matsui
Barnes	Foley	Mazzoli
Bartlett	Ford (TN)	McCain
Bates	Fuqua	McCandless
Bedell	Garcia	McDade
Bellenson	Gaydos	McKernan
Berman	Gejdenson	Mikulski
Bilirakis	Gibbons	Miller (CA)
Bliley	Gingrich	Mineta
Bonior (MI)	Glickman	Monson
Bonker	Gonzalez	Moody
Borski	Goodling	Moorhead
Bosco	Gray (IL)	Morrison (CT)
Boucher	Gray (PA)	Morrison (WA)
Boulter	Gunderson	Mrazek
Boxer	Hall (OH)	Murtha
Brown (CA)	Hall, Ralph	Natcher
Brown (CO)	Hammerschmidt	Neal
Bruce	Hansen	Nielson
Burton (IN)	Hatcher	Oakar
Callahan	Hawkins	Obey
Carr	Hertel	Olin
Chandler	Horton	Packard
Chappie	Howard	Panetta
Cheney	Hoyer	Pashayan
Clay	Hubbard	Penny
Clinger	Huckaby	Pepper
Cobey	Jones (NC)	Perkins
Coble	Jones (OK)	Pickle
Coelho	Jones (TN)	Price
Coleman (MO)	Kastenmeier	Rangel
Coleman (TX)	Kemp	Ray
Combest	Kildee	Richardson
Craig	Kleczka	Ridge
Crane	Kolbe	Ritter
Dannemeyer	Kostmayer	Roberts
Daschle	Kramer	Rodino
Davis	Lagomarsino	Rose
de la Garza	Lantos	Rostenkowski
DeLay	Latta	Roybal
Dellums	Lehman (CA)	Savage
Derrick	Lehman (FL)	Saxton
Dicks	Leland	Schaefer
Dingell	Levine (CA)	Schroeder
Dixon	Lewis (CA)	Schuette
Dornan (CA)	Lewis (FL)	Schumer
Downey	Lloyd	Seiberling
Dreier	Loeffler	Shumway
Durbin	Long	Sisisky
Dymally	Lowery (CA)	Skeen
Dyson	Lowry (WA)	Slattery
Eckart (OH)	Lujan	Slaughter
Edwards (CA)	Luken	Smith (IA)
Emerson	Lundine	Smith, Denny (OR)
Smith, Robert (OR)	Taylor	Wheat
Snowe	Thomas (CA)	Whitehurst
Spratt	Thomas (GA)	Whitley
Stallings	Torres	Whitten
Stangeland	Towns	Williams
Stenholm	Traficant	Wirth
Stokes	Udall	Wolpe
Strang	Vander Jagt	Wright
Studds	Waldon	Wyden
Stump	Walker	Young (AK)
Sweeney	Watkins	Young (FL)
Swift	Waxman	Zschau
	Weaver	
	Weber	

NOES—170

Ackerman	Gradison	Pease
Alexander	Green	Petri
Andrews	Gregg	Porter
Anthony	Guarini	Pursell
Applegate	Hamilton	Quillen
Aspin	Hayes	Rahall
Atkins	Hendon	Regula
Barton	Henry	Reid
Bateman	Hiler	Rinaldo
Bennett	Holt	Robinson
Bentley	Hopkins	Roe
Bereuter	Hughes	Roemer
Bevill	Hunter	Rogers
Biaggi	Hutto	Roth
Boehlert	Hyde	Roukema
Boner (TN)	Jacobs	Rowland (CT)
Broomfield	Jeffords	Rowland (GA)
Bryant	Jenkins	Sabo
Bustamante	Johnson	Scheuer
Byron	Kanjorski	Sensenbrenner
Carney	Kennelly	Sharp
Carper	Kolter	Shaw
Chapman	LaFalce	Shelby
Coats	Leach (IA)	Shuster
Collins	Lent	Sikorski
Conte	Levin (MI)	Siljander
Cooper	Lightfoot	Skelton
Coughlin	Lipinski	Smith (FL)
Courter	Livingston	Smith (NJ)
Coyne	Lott	Smith, Robert (NH)
Darden	MacKay	Snyder
Daub	Martin (NY)	Spence
DeWine	Mavroules	St Germain
Dickinson	McCloskey	Staggers
DioGuardi	McCollum	Stark
Donnelly	McGrath	Stratton
Dorgan (ND)	McHugh	Sundquist
Dowdy	McKinney	Swindall
Duncan	McMillan	Synar
Dwyer	Meyers	Tallon
Early	Michel	Tauzin
Eckert (NY)	Miller (OH)	Torricelli
Erdreich	Miller (WA)	Valentine
Fawell	Moakley	Vento
Feighan	Molinari	Visclosky
Fish	Mollohan	Volkmer
Flippo	Montgomery	Vucanovich
Florio	Murphy	Walgren
Ford (MI)	Myers	Whittaker
Frank	Nelson	Wilson
Franklin	Nichols	Wise
Frenzel	Nowak	Wolf
Frost	Oberstar	Wortley
Gallo	Ortiz	Wylie
Gekas	Owens	Yatron
Gilman	Oxley	Young (MO)
Gordon	Parris	

NOT VOTING—41

Barnard	Gephardt	Mitchell
Boggs	Grotberg	Moore
Boland	Hartnett	Rudd
Breaux	Hefner	Russo
Brooks	Hillis	Schneider
Burton (CA)	Ireland	Schulze
Campbell	Kaptur	Smith (NE)
Chappell	Kasich	Solarz
Conyers	Kindness	Solomon
Crockett	Leath (TX)	Tauke
Daniel	Markey	Traxler
Edgar	McCurdy	Weiss
Edwards (OK)	McEwen	Yates
Fowler	Mica	

□ 2005

The Clerk announced the following pair:

On this vote:

Mr. Barnard for, with Mr. Mica against.

Messrs. DOWDY of Mississippi, SUNDQUIST, JACOBS, and HUNTER changed their votes from "aye" to "no."

Messrs. CHAPPIE, HAWKINS, SWEENEY, McCANDLESS, SAVAGE, ARMEY, and HUNTER, Ms. FIEDLER, and Messrs. STUDDS, BONIOR of Michigan, FIELDS, CHANDLER, RALPH M. HALL, and BONKER changed their votes from "no" to "aye."

So the amendment was agreed to.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. GONZALEZ

Mr. GONZALEZ. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. GONZALEZ of Texas: In section 121(a)(2), insert the following new subsection:

"(c)(1) In the case of any family in which any member is a citizen of the United States, a national of the United States, or an alien resident of the United States described in any of the paragraphs (1) through (5) of subsection (a), the restriction established in subsection (a) shall not apply to—

"(A) the continued provision of any financial assistance commenced before the date of the enactment of the Immigration Control and Legalization Amendments Act of 1986;

"(B) the provision of any financial assistance pursuant to a conversation from any other financial assistance; or

"(C) the provision of any financial assistance to an individual displaced from a dwelling as a result of an activity of the Federal Government or an activity approved or assisted by the Federal Government.

"(2) Notwithstanding any other provision of law, the Secretary of Housing and Urban Development may not make financial assistance available for the benefit of—

"(A) any alien who—

"(i) has a residence in a foreign country that such alien has no intention of abandoning;

"(ii) is a bona fide student qualified to pursue a full course of study; and

"(iii) is admitted to the United States temporarily and solely for purposes of pursuing such a course of study at an established institution of learning or other recognized place of study in the United States, particularly designated by such alien and approved by the Attorney General after consultation with the Department of Education of the United States, which institution or place of study shall have agreed to report to the Attorney General the termination of attendance of each nonimmigrant student (and if any such institution of learning or place of study fails to make such reports promptly the approval shall be withdrawn; and

"(B) the alien spouse and minor children of any alien described in subparagraph (A), if accompanying such alien or following to join such alien."

In section 121(a)(2), in section 214(d)(2) of the Housing and Community Development Act of 1980, insert after "States" the following: "and is not 62 years of age or older."

In section 121(a)(2), in section 214(d)(4) of the Housing and Community Development Act of 1980, insert after "States" the following: "and is not 62 years of age or older" and insert "or recertification" after "application".

In section 121(a)(2), in section 214(d)(4)(A)(i) of the Housing and Community Development Act of 1980, insert after the comma the following: "or to appeal the verification determination of the Immigration and Naturalization Service under paragraph (3),".

In section 121(a)(2), in section 214(d)(4)(B) of the Housing and Community Development Act of 1980, amend the matter before clause (i) to read as follows:

"(B) if any documents or additional information are submitted as evidence under subparagraph (A), or if appeal is made to the Immigration and Naturalization Service with respect to the verification determination of the Service under paragraph (3)—

In section 121(a)(2), in section 214(d)(4)(B)(i) of the Housing and Community Development Act of 1980, insert "or additional information" after "documents".

In section 121(a)(2), in section 214(d)(4)(B)(ii) of the Housing and Community Development Act of 1980, insert "or appeal" after "verification".

In section 121(a)(2), and the end of subsection (d) of section 214 of the Housing and Community Development Act of 1980, insert the following new paragraph:

"(6) For purposes of paragraph (5)(B), the applicable fair hearing process made available with respect to any individual shall include not less than the following procedural protections:

"(A) The Secretary shall provide the individual with written notice of the determination described in paragraph (5) and of the opportunity for a hearing with respect to the determination.

"(B) Upon timely request by the individual, the Secretary shall provide a hearing before an impartial hearing officer designated by the Secretary, at which hearing the individual may produce evidence of a satisfactory immigration status.

"(C) Not later than 45 days after the date of the request of the individual for a hearing, the Secretary shall notify the individual in writing the decision of the hearing officer on the appeal of the determination.

In section 121(a)(2), amend the last sentence of section 214(d) of the Housing and Community Development Act of 1980, to read as follows:

For purpose of this subsection, the term "Secretary" means the Secretary of Housing and Urban Development, a public housing agency, or another entity that determines the eligibility of an individual for financial assistance.

In section 121(a)(2), in section 214(e) of the Housing and Community Development Act of 1980, insert "of Housing and Urban Development" after "Secretary".

In section 121(a)(2), in section 214(e)(2) of the Housing and Community Development Act of 1980, insert after "(d)(4)(A)(ii)" the following:

(or under any alternative system for verifying immigration status with the Immigration and Naturalization Service authorized in the Immigration Control and Legalization Amendments Act of 1986)

In section 121(a)(2), in section 214(e)(3) of the Housing and Community Development Act of 1980, insert after "(d)(4)(B)(ii)" the following:

(or under any alternative system for verifying immigration status with the Immigration and Naturalization Service authorized in the Immigration Control and Legalization Amendments Act of 1986)

In section 121(a)(2), in section 214(e)(4) of the Housing and Community Development Act of 1980, insert after "(d)(5)(B)" the following:

(or provided for under any alternative system for verifying immigration status with the Immigration and Naturalization Service authorized in the Immigration Control and Legalization Amendments Act of 1986)

Amend paragraph (6) of section 121(b) to read as follows:

(6) UNDER HOUSING ASSISTANCE PROGRAMS.—Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a), as amended by subsection (a)(3) of this section, if further amended by adding at the end the following new subsection:

"(f) The Secretary of Housing and Urban Development is authorized to pay to each public housing agency or other entity an amount equal to 100 percent of the costs incurred by the public housing agency or other entity in implementing and operating an immigration status verification system under subsection (d) (or under any alternative system for verifying immigration status with the Immigration and Naturalization Service authorized in the Immigration Control and Legalization Amendments Act of 1986).".

In section 201(a)(1), in section 245A(h)(2) of the Immigration and Nationality Act, strike out "or" at the end of subparagraph (A), strike out the period at the end of subparagraph(B) and insert in lieu thereof ", or", and add at the end the following new subparagraph:

"(C) in the case of financial assistance subject to section 214 of the Housing and Community Development Act of 1980, unless such financial assistance would be available solely on the basis of the granting of temporary or permanent resident status to an individual (or to another member of the family of such individual) under subsection (a) or (b)(1) of this section.

The CHAIRMAN. The gentleman from Texas [Mr. GONZALEZ] will be recognized for 5 minutes and the gentleman from California [Mr. LUNGREN] will be recognized for 5 minutes.

The Chair recognizes the gentleman from Texas [Mr. GONZALEZ].

Mr. GONZALEZ. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, this is one of the amendments recognized in the rule and therefore for that reason is in order, and it is the identical amendment that the House adopted when it considered and approved by overwhelming vote H.R. 1, the Housing Authorization and Community Development Act of 1985.

It was also part of the sequential referral on the part of the Committee on the Judiciary to the Committee on Banking, Finance and Urban Affairs, and which was incorporated in the rule originally provided, and in the bill that had been attempted to be brought up a week ago.

What it does, it provides a recognition of the fact that we have complicated situations in which families

living in—simply put, it assures a family having one member, at least, a citizen of the United States, afforded the privilege to continue the housing allowance that they have been allowed to in assisted housing programs.

In other words, what this does in the few instances that this happens but which nevertheless we are very sensitive about, provides a fair play and avoids throwing out entire families into the street with young children simply because of the presence of one member of the family who may not be a citizen of the United States.

It received an overwhelming vote in full debate during consideration of the housing authorization bill, and then it was also accepted by the Judiciary Committee in its bill, this last version, and as a sequential referral from the Housing Committee.

Mr. Chairman, I reserve the balance of my time.

Mr. LUNGREN. Mr. Chairman, I yield 2 minutes to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. Mr. Chairman, I rise in opposition to the amendment. I think the intent of the sponsor is sensible and his motives are humane, in attempting to unify and reunify families; but I think that there is a major flaw in this amendment which I would like to call to the attention of the House.

If I understand the thrust of the gentleman's amendment, it would provide that families living in subsidized public housing could not be required to verify their immigration status if any member of the family is a citizen of the United States, a national of the United States, or an alien resident of the United States.

I think the gentleman from Texas [Mr. GONZALEZ] would agree with me that if a couple, for instance, would come into the United States illegally and falsify an application for public housing, that those people should, upon the discovery of that falsification, be at least penalized and perhaps evicted.

If the gentleman's amendment passes, the following could occur. A group, a family could come into the United States, apply for public housing, falsify their citizenship status, move into the public housing, and before they are discovered as being illegal, a child would be born to them.

That child, being born on the soil of the United States, is an American citizen. The fact that a citizen then resides in the household would preclude the housing authorities from verifying the immigration status of the parents.

So we have a situation where a falsification of an application, a clear act of fraud, has been condoned by virtue of an act of birth. I think that that goes far beyond what we need to have in this legislation; I would also advise the Congressman from Texas that this amendment passed in the housing bill by a voice vote; there was no record vote taken.

I oppose the amendment, and I would be glad to yield to my colleague.

Mr. GONZALEZ. Mr. Chairman, the gentleman is misinterpreting the thrust, the content, and the wording of the bill.

In the first place, it is against the law for an applicant who is an alien to be admitted to public housing. So that the gentleman, from the very outset in his interpretation of the amendment, clearly reveals that he does not understand the thrust of the wording of the amendment.

□ 2015

Mr. GONZALEZ. Mr. Chairman, I yield 1 minute to the gentleman from Illinois [Mr. DURBIN].

Mr. DURBIN. I thank the gentleman for yielding.

I would say to my friend and colleague from Texas I am talking about the circumstance where a person would falsify their citizenship status in order to obtain public housing. If the amendment of the gentleman passes, the public housing authorities could not evict that person because the child has been born to them who is now a citizen of the United States and lives in their household.

Mr. GONZALEZ. Will the gentleman yield back to me?

Mr. DURBIN. I will be happy to.

Mr. GONZALEZ. In the first place, if the applicant falsified his application, he is, ab initio, illegally occupying the housing. He cannot continue.

Mr. DURBIN. What the gentleman's amendment does is preclude the housing authority from verifying the citizenship status.

Mr. GONZALEZ. No.

Mr. DURBIN. That is what section 121 refers to.

Mr. GONZALEZ. No, sir. I recall my time in order to say the gentleman is quite incorrect. There is nothing that prevents any housing authority from verifying the status of any of its occupants.

Mr. LUNGREN. Mr. Chairman, I yield myself such time as I may consume.

(Mr. LUNGREN asked and was given permission to revise and extend his remarks.)

Mr. LUNGREN. Mr. Chairman, the gentleman from Illinois is precisely correct. It is one of the major problems of this amendment. Let me just say what the situation is in southern California. In southern California, in Los Angeles County, 70 percent of the live births in the public hospitals are to women who are here illegally. What this amendment says is "if you happen to get across the border, if you were here illegally and had a child here," and in 70 percent of the births in Los Angeles public hospitals that is the case, "you get public housing. You can base it on that child." I do not want to penalize that child against everybody else, but the point is we have a limited amount of public housing.

In this Congress several years ago, 1981, we asked HUD to develop regulations to restrict housing to those who are eligible. Here what we are doing is turning around and saying that we really did not mean that. Here is a loophole in the law. Here is the way to get around it. This ought not to be in this bill, it ought to be in the housing bill. Take care of it in the housing bill. Let us debate it there. Let us take care of the nuances. Do not put it here, do not make this loophole.

Particularly in areas of the country where 70 percent of the live births are to women who are here illegally, what you are doing is saying, "Not only can you have your child here but we are going to provide housing for you here at taxpayers expense." There is not enough housing for Americans, there is not enough housing for legal aliens here because some of these people will be eligible for it. We are not in a total environment of infinity, we are in a finite environment.

I would say let us put taxpayer housing where we said in 1981 it ought to be.

Mr. PACKARD. Mr. Chairman, will the gentleman yield?

Mr. LUNGREN, I yield to the gentleman from California.

Mr. PACKARD. I thank the gentleman for yielding.

Mr. Chairman, in one local community hospital in my district it cost them over $100,000 of uncollectible bills for illegal women coming over the weekends to have their babies in that hospital. You can imagine what it will cost to provide them housing after they have already provided, at taxpayer expense, the cost of having the babies here.

Mr. LUNGREN. Mr. Chairman, I would ask for a "no" vote on this amendment.

The CHAIRMAN. The gentleman from Texas [Mr. GONZALEZ] has 2 minutes remaining.

Mr. GONZALEZ. Mr. Chairman, I yield 2 minutes to the gentleman from California [Mr. ROYBAL].

Mr. ROYBAL. Mr. Chairman, I would like to take this time to at least try to put everything in its true perspective. First of all, the people who are now in public housing and without documents are there because, first of all, they needed housing. At the time they went into public housing they complied with the law as it existed at that time. It was sometime later that the Congress of the United States passed a law that asked them to leave, but that law was never implemented and that was 5 years ago.

Now, 5 years later the same housing authority tells these people now, "You must leave because you are here illegally."

In the meantime, of course, life took its course, children were born, and community roots were established. What this amendment does is actually prevent the eviction of families and senior citizens who are there at the present time. It keeps families together, and by so doing prevents all kinds of social problems.

The law that was passed by Congress 5 years ago and is now going to be put into effect will prevent an illegal alien from getting public housing in the future but keep those families that qualify if at least one member of the family is a citizen or legal resident. Under those conditions the family remains intact, but if the entire family in public housing is without documents, then that family leaves. Housing authorities throughout the country are in favor of this amendment and I urge its adoption.

The CHAIRMAN. The time of the gentleman from Texas [Mr. GONZALEZ] has expired.

Mr. LUNGREN. Mr. Chairman, I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Texas [Mr. GONZALEZ].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. GONZALEZ. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 73, noes 310, not voting 49, as follows:

[Roll No. 454]

AYES—73

Ackerman	Gray (PA)	Rangel
Akaka	Green	Richardson
Berman	Guarini	Rodino
Boggs	Hawkins	Roybal
Bonior (MI)	Hayes	Sabo
Brown (CA)	Hertel	Savage
Bustamante	Howard	Schroeder
Clay	Kanjorski	Seiberling
Coleman (TX)	Kastenmeier	Stokes
Collins	Kildee	Studds
Coyne	Leland	Swift
de la Garza	Levin (MI)	Torres
Dellums	Levine (CA)	Towns
Dingell	Lowry (WA)	Udall
Dymally	Lundine	Vento
Edwards (CA)	Martinez	Visclosky
Evans (IL)	McKinney	Waldon
Fascell	Mineta	Williams
Fazio	Morrison (CT)	Wolpe
Foglietta	Morrison (WA)	Wortley
Ford (TN)	Oakar	Wright
Frank	Ortiz	Young (AK)
Garcia	Owens	Young (MO)
Gonzalez	Pepper	
Gray (IL)	Perkins	

NOES—310

Abercrombie	Archer	Bartlett
Alexander	Armey	Barton
Anderson	Aspin	Bateman
Andrews	Atkins	Bates
Annunzio	AuCoin	Bedell
Anthony	Badham	Beilenson
Applegate	Barnes	Bennett
Bentley	Hansen	Penny
Bereuter	Hatcher	Petri
Bevill	Hendon	Pickle
Biaggi	Henry	Porter
Bilirakis	Hiler	Price
Bliley	Holt	Pursell
Boehlert	Hopkins	Rahall
Boner (TN)	Horton	Ray
Bonker	Hoyer	Regula
Borski	Hubbard	Reid
Bosco	Huckaby	Ridge
Boucher	Hughes	Rinaldo
Boulter	Hunter	Ritter
Broomfield	Hutto	Roberts
Brown (CO)	Hyde	Robinson
Bruce	Ireland	Roe
Bryant	Jacobs	Roemer
Burton (IN)	Jenkins	Rogers
Byron	Johnson	Rose
Callahan	Jones (NC)	Rostenkowski
Carper	Jones (OK)	Roth
Carr	Jones (TN)	Rowland (CT)
Chandler	Kasich	Rowland (GA)
Chapman	Kemp	Saxton
Chappell	Kennelly	Schaefer
Chappie	Kleczka	Scheuer
Cheney	Kolbe	Schuette
Clinger	Kolter	Schumer
Coats	Kostmayer	Sensenbrenner
Cobey	Kramer	Sharp
Coble	LaFalce	Shaw
Coelho	Lagomarsino	Shelby
Coleman (MO)	Lantos	Shumway
Combest	Latta	Shuster
Conte	Leach (IA)	Sikorski
Cooper	Lehman (CA)	Siljander
Coughlin	Lent	Sisisky
Courter	Lewis (CA)	Skeen
Craig	Lewis (FL)	Skelton
Crane	Lightfoot	Slattery
Dannemeyer	Lipinski	Slaughter
Darden	Livingston	Smith (FL)
Daschle	Lloyd	Smith (IA)
Daub	Loeffler	Smith (NJ)
Davis	Lott	Smith, Denny (OR)
DeLay	Lowery (CA)	Smith, Robert (NH)
Derrick	Lujan	Smith, Robert (OR)
DeWine	Luken	Snowe
Dickinson	Lungren	Snyder
DioGuardi	Mack	Spence
Dixon	MacKay	Spratt
Donnelly	Madigan	St Germain
Dorgan (ND)	Manton	Staggers
Dornan (CA)	Marlenee	Stallings
Dowdy	Martin (IL)	Stangeland
Downey	Martin (NY)	Stenholm
Dreier	Matsui	Strang
Duncan	Mavroules	Stratton
Durbin	Mazzoli	Stump
Dwyer	McCain	Sundquist
Dyson	McCandless	Sweeney
Early	McCloskey	Swindall
Eckart (OH)	McCollum	Synar
Eckert (NY)	McDade	Tallon
Emerson	McGrath	Tauzin
English	McHugh	Taylor
Erdreich	McKernan	Thomas (CA)
Evans (IA)	McMillan	Thomas (GA)
Fawell	Meyers	Torricelli
Feighan	Michel	Traficant
Fiedler	Mikulski	Valentine
Fields	Miller (OH)	Vander Jagt
Fish	Miller (WA)	Volkmer
Flippo	Moakley	Vucanovich
Florio	Molinari	Walgren
Foley	Mollohan	Walker
Ford (MI)	Monson	Watkins
Franklin	Montgomery	Waxman
Frenzel	Moorhead	Weber
Frost	Mrazek	Wheat
Fuqua	Murphy	Whitehurst
Gallo	Murtha	Whitley
Gaydos	Myers	Whittaker
Gejdenson	Natcher	Whitten
Gekas	Neal	Wilson
Gibbons	Nelson	Wirth
Gilman	Nichols	Wise
Gingrich	Nielson	Wolf
Glickman	Nowak	Wyden
Goodling	Oberstar	Wylie
Gordon	Obey	Yatron
Gradison	Olin	Young (FL)
Gregg	Oxley	Zschau
Gunderson	Packard	
Hall (OH)	Panetta	
Hall, Ralph	Parris	
Hamilton	Pashayan	
Hammerschmidt	Pease	

NOT VOTING—49

Barnard	Hartnett	Quillen
Boland	Hefner	Roukema
Boxer	Hillis	Rudd
Breaux	Jeffords	Russo
Brooks	Kaptur	Schneider
Burton (CA)	Kindness	Schulze
Campbell	Leath (TX)	Smith (NE)
Carney	Lehman (FL)	Solarz
Conyers	Long	Solomon
Crockett	Markey	Stark
Daniel	McCurdy	Tauke
Dicks	McEwen	Traxler
Edgar	Mica	Weaver
Edwards (OK)	Miller (CA)	Weiss
Fowler	Mitchell	Yates
Gephardt	Moody	
Grotberg	Moore	

□ 2030

The Clerk announced the following pairs:

On this vote:

Mr. Barnard for, with Mr. McEwen against.

Mr. Solarz for, with Mr. Mica against.

Mr. SKEEN and Mr. STRATTON changed their votes from "aye" to "no."

Mr. LOWRY of Washington and Mr. WILLIAMS changed their votes from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. MC COLLUM

Mr. McCOLLUM. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. McCOLLUM: Amend the heading for title II to read as follows:

TITLE II—ADJUSTMENT OF STATUS OF CUBAN/HAITIAN ENTRANTS AND UPDATING REGISTRY

In title II, strike out section 201 and redesignate sections 202 and 203 as sections 201 and 203, respectively.

In title II, strike out section 204.

Conform the table of contents accordingly.

The CHAIRMAN. The gentleman from Florida [Mr. MCCOLLUM] will be recognized for 10 minutes and the gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. MCCOLLUM].

Mr. McCOLLUM. Mr. Chairman, I yield myself 4-minutes.

□ 2040

Mr. Chairman, this is the amendment to strike legalization or amnesty as it is known. It is not new to most of the Members, but I think it is very clearly the most significant amendment that will be offered to this bill. Many Members can vote for a strong employer sanction immigration reform bill if they do not have to swallow amnesty.

This is a question that has been around for quite some time. It is a question the American public has

great interest in. It is a question of confidence of the American public in our immigration system and immigration laws. Are we going to make that Statue of Liberty still shine forth as the beacon of hope to the rest of the world by regaining control of our borders and doing it the right way, or are we going to cause havoc with regard to the citizenry and quality of life of this country and not have the public support of our immigration laws?

If we pass the amnesty that is in the legislation and do not adopt my amendment tonight, we are going to be slapping in the face the thousands and thousands of immigrants, would-be immigration waiting in line who have waited for years to come to this country legally. We are going to be rewarding lawbreakers; people who have been here illegally who have no business becoming citizens and permanent resident aliens well before those who stood in line and are still standing in line today in country after country after country wanting to come here in the faint hope they can share in our liberty.

Another very important facet of why we should strike the amnesty provisions from this bill is the fact that if we leave them in here we are creating a reverse magnet and reversing that which we are doing in the employer sanction section of this bill. The reason why we want to make it illegal to knowingly hire an illegal alien is to cut off the magnet of the jobs attracting thousands, yea, millions of people to this country. If we leave amnesty in this bill, we are going to create another magnet that is going to draw them over here in the hope that they can get by with some fraudulent document or that we will give another opportunity down the road for amnesty if we have given it once, and it is wrong.

There are a lot of reasons why; those are just three reasons why you should vote for this amendment this gentleman is offering. But the most, the singular most important reason is because if we leave amnesty in this bill we are going to take in millions and millions of immigrants in the next 10 years beyond the capacity of our institutions to absorb and assimilate them.

The fact is, no one knows exactly how many illegals we have today in this country. But the estimates are very clearly on the higher side of the figures given. I submit to my colleagues a few years ago when we started this debate the question was do we have 3 to 5 million or do we have 10 to 12? I happen to think we have 10 to 12. Today, some people are still saying 3 to 5 million but we are taking in and we know we have for the last 5 years at least 2 million a year. I think the figure is closer to 20 million illegals in here today.

We have 280 million American citizens in this country. We take in about 500,000 immigrants legally each year. If we have 20 million illegals in this country and, as the Environmental Fund says, maybe we will have 64 percent or so of them come forward and register under the amnesty provision of this law, and the average immigrant in the 10 years after he first becomes a permanent resident brings in seven family members, as many expect will occur, that means that if there are 20 million here today, in 10 years we will have 90 million people added to the American population or by more than one-third increase the number of people in this country in 10 year. We cannot absorb and assimilate, we cannot afford to do that. We can take in 50,000 maybe we can take in a million a year, but we cannot take in 90 million.

Even if I am wrong, even it is 10 million that are here now, we are talking about taking half the number I just said when you finish the extrapolation of the figures they can bring in the way of relatives. In 10 years, on the low side, we are going to 45 million new Americans and that is wrong. We have to eliminate this amnesty provision if we are going to have any chance to regain control of our borders. If we are going to have the confidence in the American people and if we are going to get on with the control of the border that we have to have.

Now, it is not as harsh as some would say because there is the opportunity in this bill, if my amendment passes, to have the Attorney General in his discretion use the registry date that is updated in this legislation. From 1948 to January 1, 1976. That means the Attorney General, if my amendment is adopted, will still be able to let people stay in this country who have been here illegally for 10 years or more. I think that is fair and that is appropriate. It will not create a magnet. It is not unfair to a lot of other people. It does vest discretion in the Attorney General and it does not create the threat of having 45 million to 90 million more people in this country in the next 10 years that we cannot absorb and assimilate.

I urge my colleagues to vote for the McCollum amendment. Strike amnesty from this bill.

Mr. MAZZOLI. Mr. Chairman, I yield 4 minutes to the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. I thank the gentleman for yielding me this time.

Mr. Chairman, let me say first and foremost that the adoption of the gentleman's amendment, the motion to strike legalization, would just destroy what we are attempting to achieve when we talk about trying to get together in order to support a bill that will have as its objective immigration reform.

We are not going to achieve immigration reform unless we have a balance. Employer sanctions will address the problem of the unscrupulous employer who, with impunity, hires the undocumented alien. That is going to provide the disincentive to continued undocumented migration.

On the other side, we have got to look at this problem realistically. There are perhaps 8 million undocumented persons in the country who are presently working, providing for their families, and paying taxes. There is no evidence that these people have not been decent individuals who would aspire to citizenship if they were given the opportunity.

The administration recognizes the importance of this. It recognizes the importance of having such a balance. The Attorney General has told me that time and again. The President of the United States, when he spoke with me about continuing my efforts for this bill, recognized the importance of having legalization as well as employer sanctions.

To do what the gentleman would want us to do is to destroy the balance that we have sought to achieve. I would be no part of it because, in my judgment, we cannot deport these people. We would not, I am sure, provide the money to conduct the raids. It would mean billions of dollars in order to try to deport them. Nor will we ever have the national will to conduct such raids. But that is what this amendment asks us to do.

Mr. Chairman, what we are saying is we must recognize that these people are living now in a subsociety of America. Let us give them the opportunity to show that they are decent and loyal. Give them the opportunity after a period of time, meeting the conditions and the requirements that are spelled out in the bill to become eligible for citizenship and I am sure that it will be a one-time effort and not beyond that.

Without this provision, I assure you that, in whatever way I possibly can, I will not support the effort to bring this immigration bill to conference or anywhere beyond this House.

□ 2050

Mr. MCCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. LEWIS].

Mr. LEWIS of Florida. Mr. Chairman, I rise in strong support of the amendment offered by my colleague, Congressman MCCOLLUM.

This amendment strikes at the heart of the bill.

As you well know, the State of Florida because of its location, is particularly susceptible to whatever decision this committee makes on this serious issue of legalization.

I firmly believe that to grant amnesty to those who have resided here illegally would be a tragedy.

Such a decision flies in the face of those who have waited for years to immigrate to this country legally and will make a mockery out of our immigration policy.

If this amendment is not adopted, I would have to say to individuals waiting to immigrate to this country through legal channels, "Sorry, you lose, you should have sneaked through the borders, falsified your papers and kept a low profile."

Mr. Chairman, illegal is illegal.

I pose this question to my colleagues, "Is Congress prepared to take a stand against those who deliberately violate our laws?"

Or are we going to resist the temptation to let our borders disintegrate and all semblance of control disappear?

I urge my colleagues to adopt this amendment.

Mr. MAZZOLI. Mr. Chairman, I yield 2 minutes to the distinguished gentleman from New York [Mr. FISH], the ranking minority member on the Committee on the Judiciary.

Mr. FISH. Mr. Chairman, it has now been said by the previous speaker that this amendment strikes at the heart of the bill. Let us all agree on that. This is clearly nothing more than a killer amendment.

We have been told earlier also what we would be doing if we did not adopt this amendment. What if we do? Nothing is going to change. These people are not going to go back, the ones who have equity in the United States. They are not going to leave the country and go home.

Clearly, our Government is not going to go after them. We have neither the resources nor the desire nor the public support for a nationwide search of millions of undocumented aliens.

Mr. Chairman, this legalization, recognizes that substantial numbers of illegal aliens are here to stay and responds realistically and humanely to their plight. At the same time that we act with firmness to deter future illegal entry, we must display compassion in our treatment of those aliens who have become a part of our society. The conferral of legal status on undocumented aliens with years of U.S. residence will permit this population to come out of the shadows and contribute more to our country.

In approaching legalization, we have struck an appropriate compromise between the views of those who would eliminate the legalization provisions entirely—and those who would provide lawful permanent resident status to those who only recently entered.

Mr. Chairman, legalization is a practical response to the failure of years of Government policy that has allowed this large population to be in our midst.

Second, legalization will not encourage illegal immigration in hopes of future amnesties. There was not any reason other than the desire to work that brought these people here in the first place. They did not come here for permanent resident status and citizenship; they came because of the magnet of the job opportunities and the higher standard of living.

Finally, Mr. Chairman, legalization will have a positive effect on the U.S. labor market. As we legalize the longtermers, they will demand better treatment under the laws governing minimum and overtime wages, as well as working conditions.

Mr. McCOLLUM. Mr. Chairman, I yield 1 minute to the gentleman from Texas [Mr. BARTON].

Mr. BARTON of Texas. Mr. Chairman, I rise in strong support of the McCollum amendment for the simple fact that if we condone amnesty, we are condoning an illegal act of those illegal immigrants who have entered this country illegally.

I would point out that we let legally into this country half a million people from around the world each year, which is more than the rest of the free world combined. If we allow amnesty to be included in this immigration bill, we are, in effect, opening the door to millions and millions more people to come into the country because those who have been granted amnesty can then bring in their direct family members.

In my State of Texas, we have a high unemployment rate, but recently in Fort Worth, in my district, they rounded up 300 illegal immigrants and deported them back to Mexico. The next day, 300 American citizens applied for those jobs that the illegal immigrants had taken.

Mr. Chairman, I think that the amnesty provisions are one of the most controversial and one of the most negative parts of this immigration bill. I hope that we support the McCollum amendment and delete them.

Mr. MAZZOLI. Mr. Chairman, I yield 1 minute to the gentleman from New Mexico [Mr. RICHARDSON].

Mr. RICHARDSON. Mr. Chairman, there are two reasons why this amendment should be rejected: First, it will kill immigration reform; and second, it is wrong and it is unfair.

It is a killer amendment, Mr. Chairman. What are we going to do if this amendment passes, send in INS to round everybody up, a massive deportation? I thought under this bill they were supposed to do something else at the border.

Legalization is just, humane and necessary, in the traditions of this country. It will eliminate the underclass that exists right now. It will allow 5, 7, 9, 3 million people to come out of bondage, people who are not criminals, as some of my colleagues have said, but have been contributing to this society, have been taking jobs that we do not want. We have been recruiting them. All of a sudden, to lower the hammer, that is wrong, and it is against the traditions of this country.

Mr. Chairman, I submit someone mentioned the Statue of Liberty. If the Statue of Liberty saw what was happening in life, you would see a tear in that Statue of Liberty if we approve this amendment.

Mr. McCOLLUM. Mr. Chairman, may I inquire as to how much time is remaining?

The CHAIRMAN. The gentleman from Florida [Mr. McCOLLUM] has 3½ minutes remaining, and the gentleman from Kentucky [Mr. MAZZOLI] has 3 minutes remaining.

Mr. McCOLLUM. Mr. Chairman, I yield 30 seconds to the gentleman from Texas [Mr. CHAPMAN].

Mr. CHAPMAN. Mr. Chairman, just let me simply say that as a Texan and as one of the newest Members of the Congress, I do not think the issue here is decency; I do not think the issue is working and paying taxes. I think the issue here that we should recognize is what we are about to do is legitimize millions of unconvicted criminals, and we are going to reward them with the most treasured thing a human being on the face of this globe could have, and that is the path toward citizenship of the United States of America.

It is wrong. I strongly support the McCollum amendment. It should be stripped. Amnesty should be stripped from the bill and I urge my colleagues to support it.

Mr. MAZZOLI. Mr. Chairman, I yield 30 seconds to the gentleman from Kansas [Mr. GLICKMAN].

Mr. GLICKMAN. Mr. Chairman, I just think we need to clear up the issue of legalization. You must be here 5 continous years, from January 1, 1982, or before, in order to be eligible. So anybody who came last year or the year before or the year before is not eligible. Five continuous years.

That is not an unfair trade to get the rest of this bill, which is employer sanctions and the other Border Patrol increases. I would say that balances what makes this bill so good, and I would urge you, if you want to keep this bill alive and have a responsible immigration policy, you ought to defeat this amendment.

Again, 5 continuous years in order to get legalization.

Mr. MAZZOLI. Mr. Chairman, I yield myself 1 minute.

Just very briefly, the gentleman's amendment was debated and voted down in the subcommittee and in the full committee and on this floor in 1984. It was brought again in 1986 and

voted down in the subcommittee and voted down in the full committee, and I hope, with all respect to my friend, the gentleman from Florida [Mr. McCOLLUM], we proceed along the same path and vote it down here in the House.

It is a very well and sincerely offered amendment, but it would be totally destructive to the balance of perspective and symmetry of our bill. I hope that the Congress would not support it.

I will say that if the amendment were to be adopted, I think we will have a very difficult time moving the rest of the bill.

To the gentleman's credit, in all of these efforts in subcommittee, full committee and on the floor; even though his amendment has not prevailed, he has never flagged in his support for the bill. In the event that we do vote the gentleman's amendment down, which I hope happens, I would solicit the gentleman's continued support for the bill because it has been very important to us in the past.

□ 2100

Mr. McCOLLUM. Mr. Chairman, I yield 1½ minutes to the gentleman from Nebraska [Mr. DAUB].

Mr. DAUB. Mr. Chairman, I have had a chance twice before to talk about my own views on the question of amnesty, so I want to just summarize them.

This is an issue for all of us tonight of population and of politics. The poor and the disadvantaged and the unemployed who are here right now are going to be watching very closely each and every Member's vote on the question of whether or not you want to cheapen and devalue what the worth of American citizenship ought to be all about. It is population control, as my good friend, the gentleman from Florida [Mr. McCOLLUM] has mentioned, that when you give legal status to one who came here illegally, they are then eligible in 3 or 5 years thereafter for mother, brother, father, sister, spouse of each and offspring thereof, and the chain migration effect, the echo effect of that, as has been well described, amounts to between 70 and 100 million people, nearly a one-third increase on the population flood of this country; indeed, from an economic point of view, from a city, county, and State welfare and education point of view, a suffocating impact that we cannot afford. It sends the wrong signal.

I think that the registry date which provides that anyone here prior to 1976 can get their amnesty is sufficient to go to conference.

It is politics, because some say it is either going to be my way or there will be no bill at all. That is not how this House ought to legislate. Do it my way or we will not do it at all, not after we have been through what we have been through to try to get a symmetrical bill that we can send to conference to work out our differences.

So please, I ask my colleagues, reject amnesty. Vote for registry and support the McCollum amendment.

Mr. MAZZOLI. Mr. Speaker, I yield 1½ minutes to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Chairman, I would ask the Members on my side of the aisle, as well as the other side of the aisle, to vote against the McCollum amendment, with all due respect. I seriously believe that if this amendment is to be adopted, the bill will die.

I think it is more important for those of you who are concerned about legalization and do not think it is proper, I would suggest that if this bill dies we will come back in 2 or 4 years. Legalization will be part of it and you will have more people who will be legalized than under the bill. That may be just a little bit to hang on to, but I think it is something, it is a fact.

I would remind you that 2 years ago on the eve of this vote, Ronald Reagan, the President of the United States, indicated that he thought looking at everything, looking at the issue in its entirety, that legalization was necessary, it was something we ought to do. It was humane, and he supported it. I have no reason to believe that he disagrees with that now.

It may be hard to swallow for some. I did not come to Congress prepared to vote for it, but I am absolutely convinced, after looking at this for 8 years, that we have to do something with legalization. You are not going to round them all up and send them home. Some of you on my side of the aisle will be the first ones standing up and demanding that we not do that to those fine people who are here.

I think it is a reasonable accommodation. I hope to go to conference and be close to the Senate on legalization, but do not take legalization out of the bill. Do not denude the bill. We need a bill. We need it now. Please do not destroy this bill.

Mr. McCOLLUM. Mr. Chairman, I yield myself the remaining time.

Mr. HYDE. Mr. Chairman, will the gentleman yield?

Mr. McCOLLUM. I am glad to yield to the gentleman from Illinois.

Mr. HYDE. Mr. Chairman, we are talking about from between 2 and 12 million illegal aliens, is that correct?

Mr. McCOLLUM. Well, it could be as many as 20 million.

Mr. HYDE. Let us take 12 and let us cut that in two and say 6 million illegal aliens. Now, after 5 years they will be citizens. They will be eligible for citizenship, is that right?

Mr. McCOLLUM. They will be eligible, that is correct.

Mr. HYDE. All right. Then they are entitled to bring in a spouse and their children, is that correct?

Mr. McCOLLUM. That is correct.

Mr. HYDE. So if you add 6 million people and you have three children and a spouse, you are talking about 24 million people, one-third of the population of Mexico, eligible to come into this country, regardless of any quotas or anything else, in 5 years.

Mr. McCOLLUM. That is exactly right.

Mr. HYDE. Mr. Chairman, I thank the gentleman very much.

Mr. McCOLLUM. And in 10 years we may have as many as 90 million eligible to come into the country and that is a third of the population doubled over the size that we have now.

I would like to point out to some of my colleagues who are worried about what is going to happen to people who stay in here if we do not have amnesty. I will tell you what they are going to do when they cannot get a job. They are going to go back across. Nobody is going to round them up. Nobody is going to do anything about that.

The question here is what price are we willing to pay to get an immigration bill? I think the price is too high if it is amnesty. I think the price is too high if it is 45 to 90 million more people in this country over the next 10 years. I think the price is too high if it is half the population of Mexico in the next 5 years and that is the price we are going to pay if we have amnesty in this bill. It is entirely too big a price to pay.

Mr. Chairman, I strongly urge my colleagues to vote in favor of the McCollum amendment. Let us strike amnesty from this bill. Let us close our borders with employer sanctions and let us have decent legislation. Vote aye on the McCollum amendment.

Mr. BUSTAMANTE. Mr. Chairman, I urge my colleagues to join me in opposing the McCollum amendment which would strip immigration reform of one of its integral elements. Without the legalization provision, the effort to get control of our borders will certainly fail.

Aside from the humanitarian considerations in support of legalization, the failure to regularize the status of millions of undocumented aliens within our borders will create an enforcement nightmare. Not only will the immigration authorities have to deal with new flows of illegal aliens at our borders, but they will have to deal with millions of undocumenteds inside the United States. With limited resources available to enforce our immigration laws, the amendment would make effective immigration enforcement prohibitive, if not impossible.

Far from promoting further illegal immigration, legalization will enhance our capability to stem new flows of illegal immigration. Furthermore the legalization provision sets up stringent standards which all applicants must meet. It will require long residing applicants to show compliance with most of the 33 grounds of exclusion in current law applicable to all persons seeking to come to the United States.

And, when legalized, a person will not be eligible for Federal financial assistance, Medicaid, or food stamps for 5 years. I urge my colleagues to vote against the McCollum amendment if they are serious about strengthening the enforcement of our immigration laws.

Mr. TOWNS. Mr. Chairman, I rise in opposition to the gentleman's amendment to delete the legalization provisions of this bill. Some opponents have characterized this provision as an amnesty program. I would like to remind my colleagues that section 201 is a legalization program not merely an amnesty program.

Applicants for legalization must meet stringent requirements of continuous residency, knowledge of, or willingness to learn the English language and U.S. history and government. They are also ineligible for this program if they have committed a felony or three misdemeanors. Moreover, applicants for the legalization program do not become permanent residents for at least a year, if they meet the above requirements.

This provision was offered by the distinguished majority leader and adopted by the House during last year's debate on the immigration bill. Legalization provides an equitable balance to any immigration reform package. Since we last voted on this measure, nothing has changed to warrant consideration of an immigration bill with a legalization component. I urge my colleagues to vote against this amendment.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MCCOLLUM].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. McCOLLUM. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 192, noes 199, not voting, 41 as follows:

[Roll No. 455]

AYES—192

Andrews	Crane	Hatcher
Applegate	Dannemeyer	Hendon
Archer	Darden	Hiler
Armey	Daschle	Holt
Bartlett	Daub	Hopkins
Barton	DeLay	Horton
Bateman	Dickinson	Hubbard
Bennett	DioGuardi	Huckaby
Bentley	Dowdy	Hunter
Bereuter	Dreier	Hutto
Bevill	Duncan	Hyde
Bilirakis	Dyson	Ireland
Billey	Eckert (NY)	Jacobs
Boner (TN)	Emerson	Jenkins
Boulter	English	Jones (OK)
Broomfield	Erdreich	Jones (TN)
Brown (CO)	Fawell	Kanjorski
Bryant	Fiedler	Kasich
Burton (IN)	Fields	Kolbe
Byron	Flippo	Kolter
Callahan	Franklin	Kramer
Carney	Frenzel	Latta
Carr	Frost	Leath (TX)
Chapman	Fuqua	Lent
Chappell	Gallo	Lewis (FL)
Cheney	Gekas	Lightfoot
Coats	Goodling	Livingston
Cobey	Gordon	Lloyd
Coble	Gradison	Loeffler
Coleman (MO)	Gregg	Lott
Coleman (TX)	Hall, Ralph	Lujan
Combest	Hammerschmidt	Mack
Craig	Hansen	MacKay
Madigan	Ridge	Staggers
Martin (IL)	Ritter	Stallings
Martin (NY)	Roberts	Stangeland
McCandless	Robinson	Stenholm
McCloskey	Roemer	Strang
McCollum	Rogers	Stratton
McDade	Rose	Stump
McGrath	Roth	Sundquist
McMillan	Roukema	Sweeney
Meyers	Rowland (GA)	Swindall
Mica	Saxton	Tallon
Miller (OH)	Schaefer	Tauzin
Molinari	Schroeder	Taylor
Mollohan	Schuette	Thomas (GA)
Monson	Sensenbrenner	Traficant
Montgomery	Shaw	Valentine
Moorhead	Shelby	Vander Jagt
Murphy	Shumway	Volkmer
Myers	Shuster	Vucanovich
Neal	Siljander	Walker
Nelson	Skeen	Watkins
Nichols	Skelton	Whitehurst
Nielson	Slaughter	Whitley
Olin	Smith, Denny (OR)	Whittaker
Parris	Smith, Robert (NH)	Wilson
Petri	Smith, Robert (OR)	Wise
Porter	Snowe	Wolf
Pursell	Snyder	Wortley
Quillen	Spence	Wylie
Ray		Yatron
Regula		Young (AK)
Reid		Young (FL)

NOES—199

Abercrombie	Fish	McHugh
Ackerman	Florio	McKernan
Akaka	Foglietta	McKinney
Alexander	Foley	Michel
Anderson	Ford (TN)	Mikulski
Annunzio	Frank	Miller (CA)
Anthony	Garcia	Miller (WA)
Aspin	Gaydos	Mineta
Atkins	Gejdenson	Moakley
AuCoin	Gibbons	Morrison (CT)
Badham	Gilman	Morrison (WA)
Barnes	Gingrich	Mrazek
Bates	Glickman	Murtha
Bedell	Gonzalez	Natcher
Beilenson	Gray (IL)	Nowak
Berman	Gray (PA)	Oakar
Biaggi	Green	Oberstar
Boehlert	Guarini	Obey
Boggs	Gunderson	Ortiz
Bonior (MI)	Hall (OH)	Owens
Bonker	Hamilton	Oxley
Borski	Hawkins	Packard
Boucher	Hayes	Panetta
Boxer	Henry	Pease
Brown (CA)	Hertel	Penny
Bruce	Howard	Pepper
Bustamante	Hoyer	Perkins
Carper	Hughes	Pickle
Chandler	Jeffords	Price
Clay	Johnson	Rahall
Clinger	Jones (NC)	Rangel
Coelho	Kastenmeier	Richardson
Collins	Kemp	Rinaldo
Conte	Kennelly	Rodino
Cooper	Kildee	Roe
Coughlin	Kleczka	Rostenkowski
Courter	Kostmayer	Rowland (CT)
Coyne	LaFalce	Roybal
Davis	Lagomarsino	Sabo
de la Garza	Lantos	Savage
Dellums	Leach (IA)	Scheuer
Derrick	Lehman (CA)	Schumer
DeWine	Lehman (FL)	Seiberling
Dicks	Leland	Sharp
Dingell	Levin (MI)	Sikorski
Dixon	Levine (CA)	Sisisky
Donnelly	Lewis (CA)	Slattery
Dorgan (ND)	Lipinski	Smith (FL)
Dornan (CA)	Long	Smith (IA)
Downey	Lowery (CA)	Smith (NJ)
Durbin	Lowry (WA)	Spratt
Dwyer	Luken	St Germain
Dymally	Lundine	Stark
Early	Lungren	Stokes
Eckart (OH)	Manton	Studds
Edwards (CA)	Marlenee	Swift
Evans (IA)	Martinez	Synar
Evans (IL)	Matsui	Thomas (CA)
Fascell	Mavroules	Torres
Fazio	Mazzoli	Torricelli
Feighan	McCain	Towns
Udall	Weber	Wright
Vento	Wheat	Wyden
Visclosky	Whitten	Young (MO)
Waldon	Williams	Zschau
Walgren	Wirth	
Waxman	Wolpe	

NOT VOTING—41

Barnard	Fowler	Pashayan
Boland	Gephardt	Rudd
Bosco	Grotberg	Russo
Breaux	Hartnett	Schneider
Brooks	Hefner	Schulze
Burton (CA)	Hillis	Smith (NE)
Campbell	Kaptur	Solarz
Chappie	Kindness	Solomon
Conyers	Markey	Tauke
Crockett	McCurdy	Traxler
Daniel	McEwen	Weaver
Edgar	Mitchell	Weiss
Edwards (OK)	Moody	Yates
Ford (MI)	Moore	

□ 2115

The Clerk announced the following pairs:

On this vote:

Mr. Barnard for, with Mr. Gephardt against.

Mr. McEwen for, with Mr. Conyers against.

Mr. QUILLEN changed his vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

AMENDMENT OFFERED BY MR. ROYBAL

Mr. ROYBAL. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. ROYBAL: At the end of title III insert the following new section (and redesignate the succeeding section, and conform the table of contents, accordingly):

SEC. 317. PROVIDING ADDITIONAL IMMIGRANT VISA NUMBERS FOR NATIVES OF CONTIGUOUS COUNTRIES.

(a) ADDITONAL IMMIGRANT VISA NUMBERS.—Section 201 (8 U.S.C. 1151) is amended—

(1) by inserting "certain aliens provided immigrant visa numbers under subsection (c)," in subsection (a) after "subsection (b) of this section,", and

(2) by adding at the end the following new subsection:

"(c) ADDITIONAL VISA NUMBERS FOR NATIVES OF CONTIGUOUS COUNTRIES.—(1) In addition to the number of immigrant visas made available under subsection (a), there shall be made available to natives of each of the foreign states contiguous to the United States for each fiscal year a number of immigrant visas not to exceed the number specified under paragraph (2), not more than 26 percent of which may be made available in any of the first three quarters of such fiscal year.

"(2)(A) Except as provided in subparagraph (B), the number of additional visas made available to natives of either of the foreign contiguous states for a fiscal year is equal to 20,000.

"(B) If for a fiscal year one of the foreign contiguous states does not use the full number of additional immigrant visa numbers made available under this subsection, then the number of additional visas made available to natives of the other foreign contiguous states for the following fiscal year

shall be increased by the number not used by the other foreign contiguous states for the previous fiscal year".

(b) ALLOTMENT OF NEW VISA NUMBERS.—Section 203 (8 U.S.C. 1153) is amended by adding at the end the following new subsection:

"(f) ALLOTMENT OF SPECIAL VISAS FOR CONTIGUOUS COUNTRIES.—(1) Aliens who are subject to the numerical limitations specified in section 201(c) shall be allotted visas in the same manner, subject to the same conditions, and in the same order as aliens who are subject to the numerical limitations specified in section 201(a), except that the percentage limitations specified in paragraphs (1) through (6) thereof shall not apply.

"(2) Requirements respecting acquisition of preference status by reason of a relationship or occupational qualification described in a paragraph of subsection (a) shall apply, in the same manner, for the acquisition of preference status under paragraph (1) of this subsection.".

(c) CONFORMING AMENDMENTS.—Section 202 (8 U.S.C. 1152) is amended—

(1) by inserting "and (C)" in subsection (a) after "section 201(b)",

(2) by striking out "under section 202" in the matter in subsection (e) before paragraph (1) and inserting in lieu thereof "under subsection (a)", and

(3) by adding at the end of subsection (e) the following:

"This subsection shall not apply to visas made available under section 201(c) and allotted under section 203(f),".

(d) EFFECTIVE DATE.—The amendments made by this section shall apply to fiscal years beginning with the first fiscal year that begins after the date of the enactment of this Act.

The CHAIRMAN. The gentleman from California [Mr. ROYBAL] will be recognized for 5 minutes, and the gentleman from Kentucky [Mr. MAZZOLI] will be recognized for 5 minutes.

The Chair recognizes the gentleman from California [Mr. ROYBAL].

□ 2125

Mr. ROYBAL. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, the discussion during the day has been most interesting. We have heard from a wide range of opinion on the part of many Members of the House of Representatives. But I think that as we analyze the situation at the moment we can conclude that those who are in favor of this legislation, almost everyone, did, in fact, apologize for their position, but justified it because they believe that it is immigration reform.

Many have said that they would vote for the bill, but with mixed emotions. Others said that they would hold their nose to vote for this piece of legislation. Others just would vote for the bill simply because there was nothing else. But the justification, Mr. Chairman, for all was the fact that they actually believe that this bill is immigration reform.

If they believe that it is immigration reform, then I respect what they believe.

The truth of the matter is that I happen to believe that it is not immigration reform. The amendment before you, however is, in fact, immigration reform, because what it does is it changes the basic law of the country. It makes it possible for a change in the visa provisions of the Nation, increasing the worldwide visas from 270,000 to 310,000 visas throughout the entire world, 40,000 of those would be devoted to this hemisphere. In other words, Mexico would be increased by 20,000 and Canada would also be increased by an additional 20,000.

The reason for that is that there is a tremendous backlog in Mexico at the present time. People who are here in the United States from Mexico, who wish to reunite with their families must wait as long as 9 years before they can bring them to the United States. All preference categories except the first preference are already oversubscribed.

Therefore, if we really want to do things in an orderly manner, and if we want to be sure that these people immigrate within the law, then we must increase the current annual quota in order to make it possible for more people to come to the United States from both Canada and Mexico in a legal manner.

This perhaps will stem the flow somewhat of those individuals who will be coming into the United States even under this bill. Under this particular bill before us, 350,000 will be legalized if they worked in the United States just 60 days sometime this last year. That is perfectly all right if this is what this House wants to do. But if we want to do something in a legal way, it is most necessary that this amendment be agreed to.

Mr. Chairman, again I will try to impress on the Members of the House that the one objective that we must have in mind is that we must do everything we possibly can to make available laws that can be obeyed, that will better the situation with regard to the illegal aliens and immigration in general to the United States.

What this amendment does is actually unite families. At the present time we have thousands upon thousands of people in Canada and in the United States who cannot live with their wives and their children simply because visas are not available. By increasing the visa system by just 20,000 for Mexico and for Canada, we will be able, I believe, to reduce pressures to come into this country illegally.

It would also recognize the nearness to Mexico and to Canada, and especially consider that we have historic and friendly relationships with the countries in question.

The CHAIRMAN. The time of the gentleman from California [Mr. ROYBAL] has expired.

Mr. MAZZOLI. Mr. Chairman, I yield myself 3 minutes.

Mr. Chairman, I would just like to refresh the memory of the House.

The amendment offered by the gentleman from California [Mr. ROYBAL] did appear in the bills before the Congress and before this body in the 98th Congress 2 years ago. They appeared, if I remember correctly, in the conference report of the 1984 bill. So it obviously reflects a thinking process which is germinating in this body.

The one thing I would like to at least bring to the attention of the House is that this, of course, deals with what we call legal immigration. Basically this amendment, proposed by the gentleman from California, deals with legal immigration, and what we are talking about in the bill before the House tonight is, of course, illegal entry, basically trying to deal with it in some humane fashion.

Legal immigration is a subject of hearings that we have started in our subcommittee this year and which we will have in full dress form in the 100th Congress. It would really be more precisely and logically and suitably a subject before us later, not right now, because we might be putting the cart before the horse.

So my restraint about this is simply the fact that I believe that we are on the trial in the course of the routine hearings of immigration changes in the legal style which could take care of problems brought up by the gentleman, as well as the gentleman from Nebraska. I just have a little bit of reluctance at this point.

Mr. DAUB. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I am happy to yield to my friend, the gentleman from Nebraska.

Mr. DAUB. Mr. Chairman, I have a couple of questions because I tend to agree with the gentleman's comments that he just made. The bill, we have been told all along, is to deal with the question of undocumented workers and the question of what we do about the status of current numbers in this country.

What is the quota now legally for Canada, and what is the quota now for Mexico?

Mr. MAZZOLI. It is 20,000 in each case.

Mr. DAUB. Are we shifting the quota, is there any thought that that is what is being done?

Mr. MAZZOLI. I believe, if I understand the gentleman's question, what numbers are not used by one country are shifted to the other.

Mr. DAUB. Are there any other quota numbers that are changed in any part of the bill that will not be subject to debate tonight on the floor? Are we changing the number for any other country?

Mr. MAZZOLI. We will change in the bill the quota for Hong Kong, the Crown Colony. That is changed. Otherwise, no.

Mr. DAUB. Besides Canada and besides Mexico and besides the Crown Colony of Hong Kong where the legal numbers are going to be changed, and particularly if this particular amendment passes, there are no other legal immigration quotas that are changed?

Mr. MAZZOLI. We, of course, have an amendment to be offered that would tend to change some numbers, but that is not in the bill which is before this body.

□ 2135

Mr. DAUB. The extended voluntary departure amendment, the Fish amendment, No. 14?

Mr. MAZZOLI. No. The earlier number; No. 13.

Mr. DAUB. Mr. DONNELLY's amendment, No. 13?

Mr. MAZZOLI. That's right.

Mr. DAUB. What would the quotas there be affecting? Which countries and how many; numbers, if the gentleman knows?

Mr. MAZZOLI. I understand it is a 5-year period. Great Britain. I am advised it is primarily from European countries; Western Europe.

Mr. DAUB. Ireland?

Mr. MAZZOLI. Ireland is one of the countries, yes.

Mr. DAUB. England?

Mr. MAZZOLI. I believe that would be also.

Mr. DAUB. Wales, Scotland, Western Europe?

Mr. MAZZOLI. I would think that most of it——

Mr. DAUB. So if these amendments all pass, we will be adding about 100——

Mr. MAZZOLI. Only for 5 years. I must say that if the Donnelly amendment were to carry, it is a limited period.

Mr. DAUB. We will add 100,000 new quota entrants, legally, under this bill, is that correct?

The CHAIRMAN. The time of the gentleman from Kentucky [Mr. MAZZOLI] has again expired.

Mr. MAZZOLI. Mr. Chairman, I yield myself 1 additional minute.

The CHAIRMAN. The gentleman is recognized for one additional minute.

Mr. MAZZOLI. To try to indicate that the gentleman is correct. One of the problems we have tried to deal with in this bill is to try to limit the reach of it. Now, there are those who wanted to go further, and there are some amendments being offered which would seek to open this thing up.

The gentleman from California has one; the gentleman from Massachusetts has another; but basically speaking, the committee, the subcommittee has hewed to the line of trying to deal with undocumented entry and how to deal with it sensitively and humanely.

To that extent, I would again remind the House that in very many versions of the immigration reform bill over the last three Congresses, the gentleman's amendment did appear. So this is not the first time we have confronted it. It does satisfy a matter that we have dealt with with our neighbors to the north and neighbors to the south.

My only restraint about it, because this may be exactly what the Congress comes to agree with once we have the full-fledged hearings. It is just, I think this might be slightly premature; that is my only problem with it.

Mr. ROYBAL. Mr. Chairman, will the gentleman yield?

Mr. MAZZOLI. I yield to the gentleman.

Mr. ROYBAL. Mr. Chairman, the gentleman says that this amendment is not premature.

The CHAIRMAN. The time of the gentleman has again expired.

Mr. MAZZOLI. Mr. Chairman, I yield myself the balance of my time, and I yield to the gentleman from California.

Mr. ROYBAL. Mr. Chairman, the truth of the matter is, it is not premature. That this exact language has been in the bill in the past; it has also been in the conference report; therefore it has been part of the legislation as it existed last year and the year before that and the year before that; and it is not premature to the point where now it can be adopted; and if there are any changes to be forthcoming, then we can change it at that time.

Mr. MAZZOLI. Mr. Chairman, I appreciate what the gentleman is saying; premature, if I might say, in the sense that we are now having the hearings which we were not conducting in the 98th Congress or the 97th.

So we are now looking at the subject of legal immigration dealing with quota changes, caps, and all of the variety of questions, and that is why I say with respect to tonight, in October 1986 I suspect it is somewhat premature.

Mr. DAUB. I want to join in agreement with the gentleman.

The CHAIRMAN. The question is on the amendment offered by the gentleman from California [Mr. ROYBAL].

The amendment was rejected.

AMENDMENT OFFERED BY MR. MAC KAY

Mr. MACKAY. Mr. Chairman, I offer an amendment.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. MACKAY: At the end of the bill, add the following new title (and conform the table of contents accordingly):

TITLE IX—FEDERAL RESPONSIBILITY FOR DEPORTATABLE AND EXCLUDABLE ALIENS CONVICTED OF CRIMES

SEC. 901. EXPEDITIOUS DEPORTION OF CONVICTED ALIENS.

Section 242 (8 U.S.C. 1254) is amended by adding at the end the following new subsection:

"(i) In the case of an alien who is convicted of an offense which makes the alien subject to deportation, the Attorney General shall begin any deportation proceeding as expeditiously as possible after the date of the conviction.".

SEC. 902. TRANSFER OF CERTAIN DEPORTABLE ALIENS FROM STATE AND LOCAL PENAL FACILITIES TO FEDERAL PENAL FACILITIES

Notwithstanding any other provision of law, any alien who is incarcerated in a State or local penal facility for an offense involving controlled substances, the commission of which makes such alien deportable under section 241 of the Immigration and Nationality Act, shall, upon written request of the appropriate State or local official, be transferred to a penal facility under the authority of the Director of the Bureau of Prisons. The Attorney General shall prescribe such regulations as may be necessary to carry out this section.

SEC. 903. IDENTIFICATION OF FACILITIES TO INCARCERATE DEPORTABLE OR EXCLUDABLE ALIENS

The President shall require the Secretary of Defense, in cooperation with the Attorney General and by not later than 60 days after the date of the enactment of this Act, to list facilities of the Department of Defense that could be made available to the Bureau of Prisons for use in incarcerating aliens who are subject to exclusion or deportation from the United States.

The CHAIRMAN. The gentleman from Florida [Mr. MACKAY] will be recognized for 10 minutes and the gentleman from California [Mr. LUNGREN] will be recognized for 10 minutes.

The Chair recognizes the gentleman from Florida [Mr. MACKAY].

Mr. MACKAY. Mr. Chairman, the next amendment addresses a narrow but a very important issue. It has to do with illegal aliens who are convicted of drug-related crimes, who under Federal law should be deported and who, under the policies of the Immigration and Naturalization Service, should be deported on an expedited basis.

The policies require that deportation proceedings begin when a conviction takes place, the idea being that when the sentence is over, the person would be deported.

Now, unfortunately, the very opposite is happening. These people are not being deported; the expedited procedure is not working; the local and State jails are jammed up, the Immigration and Naturalization Service has no incentive to give priority to these because the burden of inaction falls on State and local governments and not on the Federal system.

This amendment provides three things; First, it provides that deportation proceedings will begin when there is a conviction; second, it provides that

these people will be transferred into the Federal system.

I would point out at this point this is a much narrower group of people than the group of people that was contemplated a few weeks ago by the Bennett amendment. This is less than a third that number of people, but it would provide they would be transferred into the Federal system.

Third, it would require a study from the Department of Defense showing and listing the facilities that are available for the Bureau of Prisons that could be used to detain these people who should be deported.

I believe that this amendment would be a long step in the right direction. I do not believe it would be unduly disruptive on the Federal system. If it is disruptive on the Federal system, that is where the disruption should be instead of where it is now, which is in the State systems.

Let me tell you what is happening in California; 63 percent of the narcotics arrests in southern California are illegal aliens. These people are going into a system that is already overfilled, they are being released; they are committing further crimes and we have got a revolving door effect there; we have got that same effect in New York; in a very exaggerated fashion we have got it in Florida; in Texas, and everyplace where the drug problem and the immigration problem coincide.

I believe this amendment would lead very quickly to a changing of priorities in INS. I think it would be one that would be very strongly supported by your State and local officials. In fact, in my case, the amendment came about as a request from local sheriffs, and from the Governor of Florida.

Mr. Chairman, I yield to the gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Mr. Chairman, I think this is a meritorious amendment. I wish to associate myself with the able gentleman in support of it.

Mr. MACKAY. Mr. Chairman, I reserve the balance of my time.

Mr. LUNGREN. Mr. Chairman, I am not going to ask for a vote on this because I think two-thirds of the tripart en bloc amendment are good, and I think it would be very difficult to explain to Members and have them vote against one-third of it when they favor two-thirds.

I will say this, however—it will be in all honesty with the gentleman from Florida—I will make efforts in conference to knock that one-third out because that one-third is the same question that we dealt with in the drug bill. It was defeated on this floor not because we do not think that we ought to help the State and local governments in terms of the problems they have in jailing these people, but because we do not have the room in our Federal prison system.

It was pointed out on the floor, if you push these people in the Federal system, some of those people we voted to go into the Federal prison system on the drug bill, for mandatory sentences, will not be able to go there because we are not going to have room for them.

So to the extent that the gentleman says that we should require expeditious deportation of convicted aliens, I absolutely agree. It will be a part of the bill as far as I am concerned.

To the extent that we should direct the Secretary of Defense to give us a list of those facilities under his jurisdiction that could be made available to the Bureau of Prisons for incarcerating aliens subject to exclusion or deportation, absolutely it ought to be part of the bill.

As far as the mandate of an immediate transfer of certain deportable aliens from State and local penal facilities to the Federal penal facilities, we do not have the room. We ought to recognize it; and if it is a case of pushing these people into the system or putting major drug dealers in because the mandatory sentences we have just passed in this House—I think most Members would say we ought to do the latter.

So I will tell the gentleman that I am not going to call for a vote now, but to be addressing you in all candor, I think in the conference we are going to have to recognize that that is going to have to come out, because we have received a message from the administration: They cannot accept this. I know the gentleman from Florida does not want to kill an immigration bill.

So let us allow this to be part of the bill, but I think we are going to bring a bill back to you with one-third of your very commendable amendment removed.

Mr. Chairman, I yield such time as he may consume to the gentleman from Nebraska [Mr. DAUB].

□ 2145

Mr. DAUB. I will be very brief and say to the gentleman from Florida that I think he raises appropriate issues for conference, whereas I do think, as the gentleman from California says, a little work needs to be done. I want to commend the gentleman because the issue of how we treat the once-apprehended once-convicted undocumented worker or person without a status ought not to be allowed to say here is very important. I think the gentleman's effort is a good one and merits inclusion in the bill as it goes to conference, and I support the gentleman's amendments en bloc.

Mr. MACKAY. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. MCCOLLUM].

Mr. MCCOLLUM. Mr. Chairman, I want to commend my colleague for offering this amendment. I think it is an excellent one. If we are ever going to do anything about the problem of the Federal Government not taking care of its responsibilities with the aliens who are here who have committed crimes and are in our prisons, this is the time to do it. We have had all kinds of excuses from the Immigration Service for not deporting folks. This is the time for those excuses to stop.

There may be a price to pay of sorts here, but we need to pay whatever price it takes because in the long run we are going to pay a much greater price by putting this burden on our State and local prisons if we continue to have overcrowded local prisons. It is ridiculous. I commend the gentleman again for this series of amendments and strongly urge the adoption of all of the amendments and hope that they are protected in conference, all three of them.

Mr. MACKAY. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SMITH].

Mr. SMITH of Florida. I thank the gentleman for yielding.

Mr. Chairman, I would like to tell everybody in the Chamber, all my colleagues, that this is an amendment that is designed to do what is going to be necessary not only now but in the future. As more and more illegal aliens get into the business of drug trafficking and get into the other business of crime, more and more States are going to be impacted by the problems that have occurred now.

This amendment anticipates some of the solutions that we are going to need for the future and transfers the responsibility, my colleagues, from your State systems and your States' taxpayers to the Federal Government, where the responsibility belongs, where it has belonged, and where it will belong.

It is a Federal problem. It is time for the Federal Government to take the responsibility for it.

Mr. Chairman, I urge adoption of this amendment and commend the gentleman from Florida for a very fine amendment.

Mr. MACKAY. Mr. Chairman, I yield 1 minute to the gentleman from Florida [Mr. SHAW].

Mr. SHAW. I thank the gentleman, and I thank the Chairman.

I want to compliment Mr. MACKAY from Florida for bringing this before the Congress. I shall only take approximately just a few seconds.

We have a situation which no doubt, evidently from the comments around the floor, is recognized as a Federal responsibility. It has been put in the form of an amendment, and I compliment the gentleman for bringing it to the attention of the House tonight. I am confident that it will be accepted even without a vote.

Mr. FASCELL. Mr. Chairman, I rise in strong support of the amendment being offered by

my Florida colleague, BUDDY MACKAY. The Federal Government is responsible for border control. We can all agree that, in recent years, the United States has lost control over illegal immigration into this country. One of the grimmest consequences of insufficient Federal efforts is that illegal aliens are increasingly entering this country and selling drugs.

The MacKay amendment complements our efforts on the drug bill and gives the Federal Government some of the tools it needs to have a positive effect on both the immigration and drug problems. This amendment requires Federal cooperation in incarcerating Mariels and other illegal aliens who have been convicted of drug crimes and requires that these individuals be deported in an expedited manner. Most important to heavily impacted States like Florida, under this amendment, convicted illegal aliens who are in State and local jails for drug offenses would be transferred to Federal facilities, pending their deportation.

We have committed ourselves to a comprehensive fight against drug trafficking overseas and in this country. Granted, it would be preferable to prohibit these individuals from entering the United States in the first place. But if we can't do that, at least let us put into motion the expedited procedures for deporting them, beginning with their transfer from State and local jails into Federal facilities.

Some would say that there is insufficient space in our 47 Federal prisons to handle the transfer of any illegal aliens from State and local jails. It is undeniably true that our Nation's prisons are already overcrowded. Under the MacKay amendment, if no space could be found in Federal prisons, these aliens could also be transferred to any of the 874 Defense Department facilities which are deemed appropriate for this purpose.

Immigration is a Federal responsibility. This House correctly recognizes that the Federal Government has a major role in fighting drugs. So why should taxpayers in Florida and other heavily affected States have the additional financial burden of supporting illegal aliens who have been convicted of selling drugs in their communities? In my judgment, it is logical and equitably that illegal aliens convicted on drug offenses should be transferred out of State and local jails and into available Federal facilities and deported as quickly as possible.

I urge my colleagues to take positive action on the immigration front and against drug trafficking by voting for the MacKay amendment.

Mr. MACKAY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

The CHAIRMAN. The question is on the amendment offered by the gentleman from Florida [Mr. MACKAY].

The amendment was agreed to.

AMENDMENT OFFERED BY MR. FISH

Mr. FISH. Mr. Chairman, I offer amendment No. 14.

The CHAIRMAN. The Clerk will designate the amendment.

The text of the amendment is as follows:

Amendment offered by Mr. FISH: Strike title VIII and conform the table of contents accordingly.

PARLIAMENTARY INQUIRY

Mr. DAUB. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DAUB. May I inquire as to whether, if I may state this question parliamentarywise to the Chairman, the gentleman from New York seeks to offer his amendment No. 1 listed as No. 13 in the rule?

The CHAIRMAN. The gentleman from New York [Mr. FISH] is offering amendment No. 14.

The gentleman does not desire to offer No. 13.

Mr. DAUB. Mr. Chairman, I have a parliamentary inquiry.

The CHAIRMAN. The gentleman will state it.

Mr. DAUB. Mr. Chairman, I appreciate the fact that may be within the gentleman's rights, in fact it is within the gentleman's rights.

We just finished voicevoting down the addition of quotas from Mexico and Canada and by not having a chance to discuss the Donnelly language which is included in the bill, is it not true, Mr. Chairman, that we will be allowing some legal quota increases but denying others?

The CHAIRMAN. The gentleman is not stating a parliamentary inquiry.

Mr. DAUB. Thank you, Mr. Chairman.

The CHAIRMAN. The gentleman from New York [Mr. FISH] will be recognized for 10 minutes and the gentleman from Massachusetts [Mr. MOAKLEY] will be recognized for 10 minutes.

The Chair recognizes the gentleman from New York [Mr. FISH].

Mr. FISH. Mr. Chairman, I yield myself 4 minutes.

Mr. Chairman, my amendment strikes the provision in the bill that grants extended voluntary departure to El Salvadorans and Nicaraguans in the United States who have arrived as late as midsummer of this year. This legislation raises two central issues. First, it calls for a GAO report, which I do not believe we need, to supplement information on conditions of Salvadorans in El Salvador. Second, the question is, Should we suspend deportation of Salvadorans while we wait a 2-year period for that GAO report to be completed?

My answer on both these questions is "no" for the following reasons: Mr. Chairman, we have had this bill before us for years. Time has simply passed it by. There is no need. As to the GAO study, although I believe this legislation is well intended, another study would accomplish little.

The bill before us calls for the number and location of displaced persons, the origins of the reasons for displacement, the living conditions of Salvadorans. All this information is in a report in 1985 of the Agency for International Development.

Next it requests information from GAO as to what happens to Salvadorans returning to El Salvador.

Mr. Chairman, this bill was first introduced in the Congress to cover the years 1983 and 1984 responding to conditions in El Salvador in 1982, conditions that no longer exist.

Long since then, we have put in place the Intergovernmental Committee on Migration which interviews and protects every deportee back to El Salvador. There is no further danger of the random violence that was rampant in 1981 and 1982 which gave rise to this legislation. In fact, there were 9,000 cases reported in 1981; there is no doubt about there being random violence. By 1985 this had declined to 335.

You might compare that to the number of 1,600 homicides that occurred in 1 year in the city of New York.

Mr. Chairman, the major problem with this measure is that it does violence to the Refugee Act of 1980. Congress passed that act to supplement the piecemeal and nation-specific legislation for refugees, for example those we adopted for Cubans and for Hungarians.

Prior to 1981 refugees were paroled into the United States, following consultation with the Congress.

In place of this system, the Refugee Act set up a system under which any person, regardless of origin, can apply for, and my point is, Mr. Chairman, that this act, the Refugee Act, was intended by this Congress to be the exclusive available remedy and the legislation that I seek to strike this evening circumvents this system by creating a new system for handling Salvadorans and Nicaraguans during the next 2 years while we wait for this GAO report.

In addition, it raises the prospect that a stream of Salvadorans and others from the Caribbean Basin will illicitly enter the United States.

A claim will be made, I am sure, that a discriminatory policy exists toward Salvadoran applications, and that is simply not borne out by the facts.

Mr. Chairman, the United States is not the last safe haven for Salvadorans and Nicaraguans.

As we know, not all parts of El Salvador are unsafe and Honduras provides safe refugee camps open to all Salvadorans. In addition, almost all Salvadorans come to the United States by land route. In doing so, they must cross at least two borders, Mexico and Guatelmala. Mexico is also a safe haven for Salvadorans, and the United Nations high commissioner for refugees has established a presence in both Honduras and in Mexico to take care of these people.

Mr. Chairman, I yield 2 minutes to the chairman of the subcommittee,

the gentleman from Kentucky [Mr. MAZZOLI].

Mr. MAZZOLI. I thank the gentleman and I thank the chairman.

I would like to advise the House that, of course, we have reached the final amendment, No. 14. When this is disposed of in 20 minutes, then we will be able to go into final passage of the bill.

Let me just say that with reluctance and with a measure of unhappiness I do oppose the gentleman's language, the gentleman from California, and support the amendment.

I support the amendment offered by the gentleman from New York [Mr. FISH] to strike the language in the bill, that is the Moakley language.

Let me say, to the gentleman from Massachusetts' credit, we have worked closely over the last 4 years on this bill. It originally began without a cutoff date.

With the help of the gentleman, we were able to put a cutoff date in. Now, the cutoff date has been worked up to August of this year, 1986, but at least there is a cutoff date.

As I say, to the gentleman's credit, we were able over the last 4 years working on this bill to make some improvements which are in the bill. So if the House were to reject the amendment of the gentleman and adopt the gentleman's language, it is not like it used to be. Basically there is a cutoff date which we did not have earlier. The individuals who would be here in EVD are not able to get public assistance, whereas originally they might have. Furthermore, there are no preference rights, while these people are here in extended voluntary departure they cannot ask legally for their families to join them. The time spent in extended voluntary departure does not count toward the 7 years which under the existing INA allows a person to stay here and not go back home and ask for suspension of deportation. So, to that extent this is a much better offering. I will say to the gentleman as I say to the House there has been in two separate hearings before our subcommittee, the 98th Congress, the 99th Congress, no credible evidence ever adduced to say that an individual who would be returned to El Salvador is treated cruelly, foully or in anywise persecuted.

This is not to say that it does not happen. This is only to say that there has been no evidence that we were ever able to have before our committee that this actually occurs.

The second reason for my supporting the amendment of the gentleman is that if we were to accept the gentleman's language, we would go back to pre-1980 dealing with refugees and asylees.

I would urge the House to support the amendment of the gentleman.

Mr. MOAKLEY. Mr. Chairman, I yield myself such time as I may consume.

Mr. Chairman, over the course of the 99th Congress, we have debated the civil wars in Central America. Most Members have supported President Duarte in his struggle against the Salvadoran insurgents and, more recently, a majority passed aid to the Nicaraguan Contras which promises an escalation of the violence which already exists in that beleaguered country. So let there be no doubt in anyone's mind—violence and civil war are still very much a fact of life in Central America.

The issue before us is "How do we respond to the humanitarian debris of these wars?" Do we send them back to the war zone? Is this body really going to vote to deport Nicaraguan refugees back to war-torn Nicaragua on the heels of our approval of military assistance to the Contras?

If we are true to our proud national traditions we will not. Our country has on 15 occasions over the past 26 years granted extended voluntary departure, a temporary stay of deportation, to national groups where there is extreme civil unrest in their homelands. In fact, we provide EVD currently to Poles, Afghans, and Ethiopians for this very reason. Surely the unrest in El Salvador or Nicaragua is at least as great as that in any one of these countries.

Some confuse EVD with asylum. Asylum is granted—on a case by case basis—to those who can prove an individualized fear of persecution. And this is granted under the authority of the Refugee Act. But even since passage of that act in 1980, it has continued to be necessary to temporarily protect whole national groups from deportation—something this administration has done four times since President Reagan took the oath of office.

Never in the history of EVD in this country, has it been demanded that a mortality rate for deportees be produced. Only now are critics of the Salvadoran EVD proposal asking for such a body count. But cries for body counts totally miss the point. We have never argued that returnees are singled out for persecution. If this were the case, then obviously asylum would be a more appropriate remedy to propose. What we do know is that there is significant violence in El Salvador and Nicaragua, and that is all we need to know to justify EVD.

There are also opponents of this proposal, as it pertains to Salvadorans, who hide behind the smokescreen provided them by a small program in El Salvador, conducted by the Intergovernmental Committee for Migration. ICM is a reception and counseling service, nothing more. "To suggest that it's something else is false," according to ICM's Washington representative. The so-called ICM report that many cite is methodologically flawed and, according to ICM, is "not a scientific data base on which to construct definitive analyses of situations of returnees."

Finally, many of the opponents of this measure argue that those fleeing Central America are economic migrants. But in the case of the Salvadorans, the Census Bureau testified before the House last year that there were only 94,000 Salvadorans in the United States in 1980 both legally and illegally combined. The current flow of Salvadorans, says the Census Bureau, began only with the escalation of violence that immediately followed the assassination of Catholic Archbishop Oscar Romero in 1981.

Certainly, many things have changed since I first began proposing EVD for Salvadorans. Certainly death squad activities and similar human rights problems have been reduced under President Duarte, but problems still remain. We could all stand here and debate the number of death squad deaths in 1986 as opposed to 1982 but that is not at all the issue. Rather, the fact remains that there is major civil war in El Salvador and Nicaragua.

Put simply—do we allow these refugees temporary safety or do we deport them back to the horrible cauldron of war? I appeal to my colleagues to join me in defeating the motion to strike—and to help save some lives.

□ 2200

Mr. Chairman, I would just like to allude to a recent letter from the Archbishop Rivera Y Damas, who wrote to the Members of the Congress urging passage of this bill in November 1985. In June 1986, Mr. Chairman, he reaffirmed his support of the bill in a taped conversation with an aide of mine who visited him down in San Salvador.

In July 1986, the archbishop again urged his support to the Bishop of Pittsburgh, Anthony Bevilaqua.

Mr. Chairman, if I could just read from the archbishop's letter:

> I, Archbishop Rivera y Damas, ask each and every one of you, Honorable Members of the House and Senate of the United States of America, that you open your arms and your hearts and your Christian charity to my suffering people and that you double your efforts against deportation of the Salvadoran refugees and support measures such as the Moakley-DeConcini bill. . . .

Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. BIAGGI].

Mr. BIAGGI. Mr Chairman, I would like to associate myself with the gentleman's remarks.

Mr. MOAKLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New Jersey [Mr. RODINO].

Mr. RODINO. Mr. Chairman, I rise in opposition to the amendment.

Mr. Chairman, the country of El Salvador and its people have been suffering the ravages of civil strife for the past 6 years. In last year's Report on Human Rights Practices, the State Department determined that the creation of "a stable public order sufficient to protect individual rights has been disrupted by guerrilla and military operations, partisan hatreds, acts of revenge, fear, and a prevailing uncertainty characterized by violence."

Recent press reports detail increased violence, including the kidnapping of government officials and their families, indiscriminate guerrilla attacks resulting in civilian deaths and the use of aerial bombings in the countryside by the military.

As a result of 6 years of living in the midst of violence, fear, and danger, thousands of Salvadorans and Nicaraguans have been displaced from their homes, and villages. Others have fled to the United States, seeking respite from violence, instability, and uncertainty. Most only seek a temporary haven until peace and stability return to their home countries.

Our Nation has a long humanitarian tradition of providing refuge to persons fleeing civil strife and violence until such time as they can return home.

In fact, in recent years relief has been provided to nationals of several countries during periods of unrest and violence. Currently it is being provided for nationals of Ethiopia, Uganda, Afghanistan, and Poland in the form of extended voluntary departure [EVD]. Most recently, the grant of EVD to nationals of Poland was extended for an additional 6 months.

It is my firm belief that the situation within El Salvador, Nicaragua is as unsettled and violent as in those countries where the executive branch has felt compelled to offer temporary shelter.

Accordingly, I wholeheartedly support EVD and urge my colleagues to reject this amendment.

Mr. MOAKLEY. Mr Chairman, I yield such time as he may consume to the gentleman from Florida [Mr. PEPPER].

Mr. PEPPER. Mr. Chairman, my party of this amendment deals with Nicaragua, people who are in our country fleeing the persecution they have experienced in Nicaragua. I ask that the same consideration be given to those worthy people as the folks fleeing from the same kind of persecution in El Salvador.

Mr. Chairman, I warmly commend the able gentleman for the amendment.

Mr. Chairman, I rise in strong opposition to the motion to strike the extended voluntary departure language now in the bill.

United States immigration policy now affords no special benefits to Salvadorans or Nicaraguans. Undocumented aliens from these countries, if apprehended, are liable for deportation. In light of the civil unrest, violence, and political upheaval in Central America, particularly in Nicaragua, justice and humanitarian concern demand that the United States grant some temporary relief from deportation at least until conditions improve.

I should emphasize that the language now in the bill provides only a temporary suspension of certain types of deportation. It does not provide permanent resident status for these refugees nor does it allow access to public assistance. Moreover, the moratorium applies only to those who would be deported because they lack proper documentation. Those who would be deported for criminal convictions, or immoral or illegal activities, would still be deported. I should also note that the administration now has authority for discretionary relief. This legislation is necessary only because the administration, with its special political slant on Central America, has not acted with the humanitarian concern traditionally displayed by America.

Our traditional humanitarian concern is codified in our obligations under international and domestic law. As a signatory to the U.S. Convention and Protocol Relating to the Status of Refugees, and in various provisions of U.S. immigration law, the United States has agreed not to return an alien to a country if his life or liberty would be threatened by persecution. To receive asylum, however, an alien must prove that he or she would face persecution to which others in the country are not subjected. For Nicaraguans, it is an unfair burden.

There is another form of protection for aliens from countries torn by civil strife. Legal authority now exists for the administration to provide discretionary relief, staying or deferring deportation or extending voluntary departure status. Upon the recommendation of the Department of State, immigration authorities have granted blanket, nation-specific extended voluntary departure status to Cubans, Czechs, Chileans, Cambodians, Dominicans, Iranians, Laotians, Nicaraguans—from 1979 through 1980—and Vietnamese. Currently, the Lebanese, Ethiopians, Ugandans, Afghanis, and Poles enjoy this special benefit.

Nation-specific extended voluntary departure status is, and it ought to be, an extraordinary procedure. These are extraordinary circumstances. The violence and indiscriminate killing of civilians in Nicaragua are well-documented. There can be no question but that deported Nicaraguans would be viewed with suspicion by the Sandinistas. The danger they would face cannot be ignored. These people are bona fide refugees who deserve our protection.

Immigration authorities generally rely on advisory opinions from the Department of State about conditions in the country. The State Department declines to make the findings that would permit Nicaraguans to qualify for extended voluntary departure status. The administration does not support general relief for Nicaraguans despite the clear danger they face if they are returned.

Opponents of extended voluntary departure offer two arguments. They argue that a benefit like extended voluntary departure status will have a magnet effect and attract even more illegals. The language in the bill should obviate the concern. No benefit would accrue to a Nicaraguan who enters the United States after enactment of the bill and an alien who would otherwise be eligible for temporary suspension of deportation would forfeit that benefit if he or she leaves the United States and seeks to reenter.

The second argument we will hear is that special protection for Nicaraguans would undermine the Refugee Act of 1980. Before 1980, refugees were admitted to the United States under piecemeal and nation-specific legislation. The Refugee Act of 1980 was intended to provide an orderly and equitable process for establishing the need for asylum or withholding of deportation. That argument is unpersuasive.

We have already provided special consideration for nationals from certain countries. As I noted before, aliens from 14 countries have enjoyed extended voluntary departure status and nationals from 5 countries currently enjoy that status. After the Refugee Act of 1980, immigration authorities began to provide a stay of deportation for Poles who were in the United States as of December 23, 1981, and who are unwilling to return to Poland because of conditions there. Immigration authorities also do not enforce departure for Ethiopians who arrived in the United States before June 30, 1980. The legislation before us would not be the first time this Nation has recognized extraordinary circumstances and seen the need to work around the Refugee Act.

And I repeat, the circumstances in Nicaragua are extraordinary. The fighting and indiscriminate destruction, the terror and internal strife in Nicaragua cannot be ignored. The repressive record of the Sandinistas has been established; the Sandinistas have gagged the citizens, shut down La Prensa and controlled the media, and attempted to export a revolution without borders. I admit we are divided about Nicaragua but even those who disagree with me about the Communist takeover cannot ignore the reality of the internal conflict there and the

very real dangers any deported Nicaraguan would face.

In the long tradition of humanitarian concern this Nation has displayed and in recognition of the extraordinary circumstances in Nicaragua, I urge my colleagues to support a temporary suspension of deportation and to vote against the motion to strike.

Mr. MOAKLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from New York [Mr. GARCIA].

Mr. GARCIA. Mr. Chairman, I rise in support of Moakley-DeConcini. I just want to make it very clear that I believe this is a just act for us to perform here today.

Mr. Chairman, a hearing on Central American refugees was held in June 1985, making a clear connection between the political problems in the region and the flow of refugees to this Nation.

Our policy has created the flow of refugees, we should at least offer these innocent victims of that policy temporary asylum. The hearing record clearly points out the increase of refugees from Nicaragua and El Salvador as the violence increased.

This is not a permanent situation; it would only offer asylum for as long as the turmoil continues in their countries.

Both the Salvadoran Armed Forces and the guerrillas are responsible for the flow of refugees from El Salvador and Nicaragua. This is not a political or economic question. It is a question of protecting the lives of thousands of innocent people.

We just recently voted $100 million in aid for the Contras to fight the Nicaraguan Government. Shouldn't the victims of that government's oppressive policies be given temporary asylum? A vote for this amendment is a slap in the face of the Contras. It is the same as saying that the political turmoil in Nicaragua is not severe enough to warrant giving even temporary political asylum to Nicaraguans wanting to flee their country because of political oppression.

Mr. MOAKLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Arizona [Mr. UDALL].

Mr. UDALL. Mr. Chairman I commend the gentleman for his leadership and for his brilliant statement with which I associate myself.

Mr. MOAKLEY. Mr. Chairman, I yield such time as he may consume to the gentleman from Ohio [Mr. SEIBERLING].

Mr. SEIBERLING. Mr. Chairman, I rise in opposition to efforts to strike from the immigration bill the provision granting a temporary stay of deportation of Salvadoran and Nicaraguan refugees who are currently in the United States.

The issue of granting extended voluntary departure status to Salvadoran and Nicaraguan refugees is not a political statement against the governments of those countries. It is far from that. Instead, is a deeply humanitarian issue. It is a matter of whether we, as citizens of a country whose very principles are based on compassion and equity, will set-aside our political differences and provide a temporary refuge for persons less fortunate than ourselves who are innocent victims of civil wars waging through their countries.

Consider the facts: An August 1986 State Department report found that the Sandinista government has intensified repression in that country. Fact: Various human rights groups have documented human rights abuses by the Contra forces. Fact: There are significant civilian casualties as a result of fighting between the Sandinistas and Contras. Fact: Despite the commendable efforts of the Duarte government to improve human rights in that country, a substantial body of evidence exists which indicates that human rights violations continue to occur at an alarming rate. Fact: While it is true that political killings and activities by death squads are lower now than they were at the beginning of the civil war in El Salvador, political killings and disappearances continue at a rate higher than any other country currently receiving extended voluntary departure.

Notwithstanding the ongoing violence in El Salvador, the administration continues to point to data compiled by the Intergovernmental Committee for Migration, an organization under United States State Department contract which assists and monitors Salvadorans deported from the United States. ICM can provide returnees information about assistance programs in the area of the country to which the person is returning, bus money, referrals for health care, overnight housing, and temporary identification documents. Unfortunately, ICM is not a protection or human rights monitoring organization.

The administration claims that ICM data proves that deported Salvadorans are safe when they return to their homeland. ICM collects this data by giving returnees postcards which they are asked to send to ICM once a month for 6 months. These postcards are then used to verify the safety of the returnees. However, a recent ICM survey found that only about half of the returnees could be located. According to the survey, 57 percent of the caseload returned to conflictive zones. And of those in conflictive zones, only 12 percent could even be located, and only a few individuals could actually be interviewed. I think it's crucial to understand that ICM cannot and does not protect Salvadorans once they are sent back. Not only does ICM lack any real political clout in El Salvador, but it is structured primarily to assist refugees with transportation and training, not to protect them from violence.

Finally, Mr. Chairman, as to claims that Salvadoran refugees are merely economic refugees or those seeking to avoid military service in that country and thus, not entitled to EVD, let me say this: The facts say otherwise. Many of these refugees have genuine cause for concern for their safety and well-being were they forced to return to El Salvador at the present time. President Duarte himself has described a "culture of terror" in his country. And last spring he announced his support for the resettlement outside El Salvador of displaced Salvadorans who were the victims of irrational violence . . . imposed upon our people. Furthermore, virtually all of the estimated 500,000 Salvadorans in the United States came after the start of the civil war, and studies show that the reason for their flight to be the violence in El Salvador.

Let's stop holding Salvadorans and Nicaraguans to a separate standard. A well-founded fear of persecution upon return is a standard for the granting of asylum, not EVD. EVD has always been conferred upon nationalities due to unstable or unsettled conditions in potential deportees' homelands, such as civil war. In the past, various administrations have granted EVD to refugees in situations similar to that of the Salvadorans and Nicaraguans. In fact, EVD has been granted to 15 different national groups during the past 25 years, and currently protects from deportation Poles, Afghans, Ugandans, and Ethiopians. Yet the Reagan administration continues to deny this protection to Salvadorans and Nicaraguans.

The time has come for us to act on our beliefs, and to alleviate an intolerable disregard for basic human rights. It is time we extend an offer of compassion and protection to these refugees, and I urge my colleagues to defeat the motion to strike the EVD provisions for Salvadorans and Nicaraguans contained in this bill.

Mr. MOAKLEY. Mr. Chairman, I have no further requests for time, and I yield back the balance of my time.

Mr. FISH. Mr. Chairman, I yield the remainder of my time to the gentleman from California [Mr. LUNGREN].

Mr. LUNGREN. Mr. Chairman, we are at the end of a long journey, and this is the last amendment we will have before we go to final passage.

I would just ask Members who are serious about immigration reform—what I am about to say is not a threat; I think it is an observation of political reality based on the vote we had on the previous question of legalization—

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this is a killer amendment. This kills the bill.

The Rules Committee could pass out a rule today or tomorrow and bring this bill to the floor by itself. It passed out as a separate bill out of our committee even though many of us disagree with it. On the subcommittee we could have blocked it. We decided we would not block it, even though we disagreed with it. We brought it forward. And to have it now to be brought here, what I am talking about is the EVD section of it, it means that if it stays in this bill, this bill dies.

□ 2210

We just managed to maintain legalization by a seven-vote margin. We just passed the bill on the floor 2 years ago by a five-vote margin, why? Because of legalization. Now you are trying to saddle this bill with extended voluntary departure.

Irrespective of how you feel on that, do not kill this bill. Support the motion to strike. It ought not to be here. EVD is not essential to this bill. The administration has said they will veto it; that is not an idle threat. They said it long before it ever became attached to this bill.

If you want immigration reform, I would ask you, I would beg you to vote the motion to strike. Let me talk about the substance of it. The gentleman from New York has talked about ICM, the International Commission on Migration. Not the United States. Not the U.S. State Department. They are the ones that go and receive every single person deported to El Salvador from the United States. They meet them, they greet them, they try and help resettle them. They then follow it up and they try and talk to them. In the 3 years or so they have been down there there have been two deaths down there. One, the result of an argument in a bar over a soccer match. Two, a person who attempted an armed robbery.

If you establish the idea that we should grant extended voluntary departure to this group, where do you stop? How do you say no to any group? How do you say no to Guatemala? How do you say no to Brazil? How do you say no to any of those countries in Central and South America?

If you take general conditions, my God, we should give extended voluntary departure to the people who live in downtown District of Columbia. People who live in Chicago, who live in Los Angeles. It is more dangerous, statistically, in those areas than in El Salvador.

This throws the whole immigration bill out the window. This throws immigration law out the window. This throws the Refugee Act of 1980 out the window. We decided in 1980 we should not have extended voluntary departure on a group basis; we should have it on an individual basis. We adopted the international definition of refugee and that is what is applied. That is what should be done.

But no, you are going to make a total exception for El Salvadorans and Nicaraguans. The question is are they economic refugees? The gentleman from Arizona [Mr. KOLBE], I would like to yield to him for a second to mention something that he observed when he was down there.

Mr. KOLBE. I thank the gentleman for yielding to me.

Mr. Chairman, when we were down in El Salvador a few months ago, I picked up on a Saturday a classified section of a newspaper. Here is an entire page of advertisements of travel agencies.

Mr. LUNGREN. If you want an immigration bill, support the motion to strike. Otherwise, this bill is dead.

The CHAIRMAN. All time has expired.

The question is on the amendment offered by the gentleman from New York [Mr. FISH].

The question was taken; and the Chairman announced that the noes appeared to have it.

RECORDED VOTE

Mr. FISH. Mr. Chairman, I demand a recorded vote.

A recorded vote was ordered.

The vote was taken by electronic device, and there were—ayes 197, noes 199, not voting 37, as follows:

[Roll No. 456]

AYES—197

Anthony	Dowdy	Jones (NC)
Applegate	Dreier	Jones (TN)
Archer	Duncan	Kasich
Armey	Dyson	Kemp
Badham	Eckert (NY)	Kolbe
Bartlett	Emerson	Kramer
Barton	English	LaFalce
Bateman	Erdreich	Lagomarsino
Bennett	Evans (IA)	Latta
Bereuter	Fawell	Leath (TX)
Bevill	Fiedler	Lent
Bilirakis	Fields	Lewis (CA)
Bliley	Fish	Lewis (FL)
Boner (TN)	Flippo	Lipinski
Boulter	Franklin	Livingston
Broomfield	Frenzel	Lloyd
Brown (CO)	Fuqua	Loeffler
Burton (IN)	Gallo	Lott
Byron	Gekas	Lowery (CA)
Callahan	Gibbons	Lujan
Carney	Gingrich	Lungren
Chandler	Glickman	Mack
Chappell	Goodling	Madigan
Chappie	Gordon	Marlenee
Cheney	Green	Martin (IL)
Coats	Gregg	Martin (NY)
Cobey	Gunderson	Mazzoli
Coble	Hall, Ralph	McCain
Coleman (MO)	Hammerschmidt	McCandless
Combest	Hansen	McCollum
Cooper	Hatcher	McMillan
Courter	Henry	Meyers
Craig	Hiler	Mica
Crane	Holt	Michel
Dannemeyer	Hopkins	Miller (OH)
Daub	Hubbard	Miller (WA)
Davis	Huckaby	Molinari
DeLay	Hunter	Monson
DeWine	Hutto	Montgomery
Dickinson	Hyde	Moorhead
Dingell	Ireland	Morrison (WA)
DioGuardi	Jenkins	Myers
Dornan (CA)	Johnson	Natcher
Nelson	Sensenbrenner	Stump
Nielson	Shaw	Sundquist
Olin	Shelby	Sweeney
Oxley	Shumway	Swindall
Packard	Shuster	Tallon
Parris	Siljander	Tauzin
Pashayan	Skeen	Taylor
Petri	Skelton	Thomas (CA)
Porter	Slaughter	Thomas (GA)
Pursell	Smith (IA)	Traficant
Quillen	Smith (NE)	Valentine
Ray	Smith, Denny (OR)	Vander Jagt
Ridge	Smith, Robert (NH)	Vucanovich
Ritter	Smith, Robert (OR)	Walker
Roberts	Snyder	Weber
Robinson	Spence	Whitehurst
Roemer	Stallings	Whitley
Rogers	Stangeland	Whittaker
Roth	Stenholm	Wilson
Roukema	Strang	Wolf
Rowland (CT)	Stratton	Wylie
Saxton		Young (AK)
Schaefer		Young (FL)
Schuette		

NOES—199

Abercrombie	Garcia	Obey
Ackerman	Gaydos	Ortiz
Akaka	Gejdenson	Owens
Alexander	Gilman	Panetta
Anderson	Gonzalez	Pease
Andrews	Gradison	Penny
Annunzio	Gray (IL)	Pepper
Aspin	Gray (PA)	Perkins
Atkins	Guarini	Pickle
AuCoin	Hamilton	Price
Barnes	Hawkins	Rahall
Bates	Hayes	Rangel
Bedell	Hendon	Regula
Beilenson	Hertel	Reid
Bentley	Horton	Richardson
Berman	Howard	Rinaldo
Biaggi	Hoyer	Rodino
Boehlert	Hughes	Roe
Boggs	Jacobs	Rose
Bonior (MI)	Jeffords	Rostenkowski
Bonker	Jones (OK)	Rowland (GA)
Borski	Kanjorski	Roybal
Bosco	Kastenmeier	Sabo
Boucher	Kennelly	Savage
Boxer	Kildee	Scheuer
Brown (CA)	Kleczka	Schroeder
Bruce	Kolter	Schumer
Bryant	Kostmayer	Seiberling
Bustamante	Lantos	Sharp
Carper	Leach (IA)	Sikorski
Carr	Lehman (CA)	Sisisky
Chapman	Lehman (FL)	Slattery
Clay	Leland	Smith (FL)
Clinger	Levin (MI)	Smith (NJ)
Coelho	Levine (CA)	Snowe
Coleman (TX)	Lightfoot	Spratt
Collins	Long	St Germain
Conte	Lowry (WA)	Staggers
Coughlin	Luken	Stark
Coyne	Lundine	Stokes
Darden	MacKay	Studds
Daschle	Manton	Swift
de la Garza	Markey	Synar
Dellums	Martinez	Torres
Derrick	Matsui	Torricelli
Dicks	Mavroules	Towns
Dixon	McCloskey	Udall
Donnelly	McDade	Vento
Dorgan (ND)	McGrath	Visclosky
Downey	McHugh	Volkmer
Durbin	McKernan	Waldon
Dwyer	McKinney	Walgren
Dymally	Mikulski	Watkins
Early	Miller (CA)	Waxman
Eckart (OH)	Mineta	Wheat
Edwards (CA)	Moakley	Whitten
Evans (IL)	Mollohan	Williams
Fascell	Moody	Wirth
Fazio	Morrison (CT)	Wise
Feighan	Mrazek	Wolpe
Florio	Murphy	Wortley
Foglietta	Murtha	Wright
Foley	Neal	Wyden
Ford (MI)	Nowak	Young (MO)
Ford (TN)	O'Neill	Zschau
Frank	Oakar	
Frost	Oberstar	

NOT VOTING—37

Barnard	Grotberg	Russo
Boland	Hall (OH)	Schneider
Breaux	Hartnett	Schulze
Brooks	Hefner	Solarz
Burton (CA)	Hillis	Solomon
Campbell	Kaptur	Tauke
Conyers	Kindness	Traxler
Crockett	McCurdy	Weaver
Daniel	McEwen	Weiss
Edgar	Mitchell	Yates
Edwards (OK)	Moore	Yatron
Fowler	Nichols	
Gephardt	Rudd	

□ 2030

The Clerk announced the following pair:

On this vote:

Mr. McEwen for, with Mr. Weiss against.

Mrs. ROUKEMA changed her vote from "no" to "aye."

So the amendment was rejected.

The result of the vote was announced as above recorded.

The CHAIRMAN. The question is on the amendment in the nature of a substitute, as amended.

The amendment in the nature of a substitute, as amended, was agreed to.

The CHAIRMAN. Under the rule, the Committee rises.

Accordingly the Committee rose; and the Speaker having resumed the chair, Mr. NATCHER, Chairman of the Committee of the Whole House on the State of the Union, reported that that Committee, having had under consideration the bill (H.R. 3810) to amend the Immigration and Nationality Act to revise and reform the immigration laws, and for other purposes, pursuant to House Resolution 580, he reported the bill back to the House with an amendment adopted by the Committee of the Whole.

The SPEAKER. Under the rule, the previous question is ordered.

Is a separate vote demanded on any amendment to the amendment in the nature of a substitute adopted by the Committee of the Whole? If not, the question is on the amendment.

The amendment was agreed to.

The SPEAKER. The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. Over many years, the Chair has used the gentleman from Kentucky [Mr. NATCHER] as the Chairman of the Committee of the Whole and the gentleman has always done an exemplary job. The Chair desires at this time to express its profound thanks to the gentleman for the marvelous job the gentleman has done.

MOTION TO RECOMMIT OFFERED BY MR. SENSENBRENNER

Mr. SENSENBRENNER. Mr. Speaker, I offer a motion to recommit.

The SPEAKER. Is the gentleman opposed to the bill?

Mr. SENSENBRENNER. I am, Mr. Speaker.

The SPEAKER. The Clerk will report the motion to recommit.

The Clerk read as follows:

Mr. SENSENBRENNER moves to recommit the bill, H.R. 3810, to the Committee on the Judiciary.

The SPEAKER. Without objection, the previous question is ordered on the motion to recommit.

There was no objection.

The SPEAKER. The question is on the motion to recommit.

The motion to recommit was rejected.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. GARCIA. Mr. Speaker, on that I demand the yeas and nays.

The yeas and nays were ordered.

The vote was taken by electronic device, and there were—yeas 230, nays 166, not voting 36, as follows:

[Roll No. 457]

YEAS—230

Abercrombie	Durbin	Livingston
Ackerman	Dwyer	Long
Alexander	Dyson	Lott
Anderson	Early	Lowery (CA)
Annunzio	Eckart (OH)	Lowry (WA)
Anthony	Evans (IA)	Luken
Aspin	Fascell	Lundine
Atkins	Fazio	Lungren
AuCoin	Feighan	MacKay
Badham	Fish	Manton
Barnes	Florio	Markey
Bates	Foglietta	Martin (IL)
Bedell	Foley	Matsui
Beilenson	Ford (MI)	Mavroules
Bennett	Ford (TN)	Mazzoli
Berman	Frank	McCandless
Biaggi	Frenzel	McCloskey
Boehlert	Frost	McDade
Boggs	Fuqua	McHugh
Bonior (MI)	Gejdenson	McKernan
Bonker	Gibbons	McKinney
Borski	Gilman	McMillan
Bosco	Gingrich	Mica
Boucher	Glickman	Michel
Boxer	Goodling	Mikulski
Brown (CA)	Gray (IL)	Miller (CA)
Bruce	Gray (PA)	Miller (WA)
Bryant	Green	Mineta
Bustamante	Gunderson	Moakley
Byron	Hamilton	Mollohan
Carper	Hatcher	Monson
Chandler	Henry	Moody
Chappell	Hertel	Moorhead
Cheney	Howard	Morrison (CT)
Clay	Hoyer	Morrison (WA)
Clinger	Huckaby	Mrazek
Coelho	Hutto	Murtha
Coleman (MO)	Jeffords	Natcher
Collins	Jenkins	Neal
Conte	Johnson	Nelson
Cooper	Jones (OK)	Nielson
Coughlin	Kanjorski	Nowak
Coyne	Kastenmeier	Oakar
Dannemeyer	Kennelly	Oberstar
Darden	Kildee	Obey
Daschle	Kostmayer	Ortiz
Davis	LaFalce	Owens
Derrick	Lagomarsino	Packard
DeWine	Lantos	Panetta
Dicks	Leach (IA)	Pashayan
Dingell	Lehman (CA)	Pease
DioGuardi	Lehman (FL)	Penny
Dixon	Levin (MI)	Pepper
Donnelly	Levine (CA)	Perkins
Dorgan (ND)	Lewis (CA)	Pickle
Dornan (CA)	Lightfoot	Porter
Downey	Lipinski	Price
Quillen	Slattery	Torricelli
Rahall	Smith (FL)	Udall
Rangel	Smith (IA)	Vento
Richardson	Smith (NE)	Visclosky
Ridge	Smith (NJ)	Vucanovich
Rodino	Snowe	Waldon
Roe	Spratt	Walgren
Rogers	St Germain	Waxman
Rose	Staggers	Weber
Rostenkowski	Stallings	Wheat
Rowland (CT)	Stangeland	Williams
Rowland (GA)	Stark	Wilson
Sabo	Stokes	Wise
Schaefer	Strang	Wolpe
Scheuer	Stratton	Wortley
Schumer	Studds	Wright
Seiberling	Swift	Wyden
Sharp	Synar	Young (MO)
Shaw	Thomas (GA)	Zschau
Sisisky	Torres	

NAYS—166

Akaka	Gradison	Rinaldo
Andrews	Gregg	Ritter
Applegate	Guarini	Roberts
Archer	Hall, Ralph	Robinson
Armey	Hammerschmidt	Roemer
Bartlett	Hansen	Roth
Barton	Hawkins	Roukema
Bateman	Hayes	Roybal
Bentley	Hendon	Savage
Bereuter	Hiler	Saxton
Bevill	Holt	Schroeder
Bilirakis	Hopkins	Schuette
Bliley	Horton	Sensenbrenner
Boner (TN)	Hubbard	Shelby
Boulter	Hughes	Shumway
Broomfield	Hunter	Shuster
Brown (CO)	Hyde	Sikorski
Burton (IN)	Ireland	Siljander
Callahan	Jacobs	Skeen
Carney	Jones (NC)	Skelton
Carr	Jones (TN)	Slaughter
Chapman	Kasich	Smith, Denny (OR)
Chappie	Kemp	Smith, Robert (NH)
Coats	Kleczka	Smith, Robert (OR)
Cobey	Kolbe	Snyder
Coble	Kolter	Spence
Coleman (TX)	Kramer	Stenholm
Combest	Latta	Stump
Courter	Leath (TX)	Sundquist
Craig	Leland	Sweeney
Crane	Lent	Swindall
Daub	Lewis (FL)	Tallon
de la Garza	Lloyd	Tauzin
DeLay	Loeffler	Taylor
Dellums	Lujan	Thomas (CA)
Dickinson	Mack	Towns
Dowdy	Madigan	Traficant
Dreier	Marlenee	Valentine
Duncan	Martin (NY)	Vander Jagt
Dymally	Martinez	Volkmer
Eckert (NY)	McCain	Walker
Edwards (CA)	McCollum	Watkins
Emerson	McGrath	Whitehurst
English	Meyers	Whitley
Erdreich	Miller (OH)	Whittaker
Evans (IL)	Molinari	Whitten
Fawell	Montgomery	Wirth
Fiedler	Murphy	Wolf
Fields	Myers	Wylie
Flippo	Olin	Yatron
Franklin	Oxley	Young (AK)
Gallo	Parris	Young (FL)
Garcia	Petri	
Gaydos	Pursell	
Gekas	Ray	
Gonzalez	Regula	
Gordon	Reid	

NOT VOTING—36

Barnard	Gephardt	Nichols
Boland	Grotberg	Rudd
Breaux	Hall (OH)	Russo
Brooks	Hartnett	Schneider
Burton (CA)	Hefner	Schulze
Campbell	Hillis	Solarz
Conyers	Kaptur	Solomon
Crockett	Kindness	Tauke
Daniel	McCurdy	Traxler
Edgar	McEwen	Weaver
Edwards (OK)	Mitchell	Weiss
Fowler	Moore	Yates

□ 1045

The Clerk announced the following pairs:

On this vote:

Mr. Gephardt for, with Mr. Nichols against.

Mr. Boland for, with Mr. Barnard against.

Mr. McEwen for, with Mr. Conyers against.

Mr. Solarz for, with Mr. Mitchell against.

Mr. RINALDO changed his vote from "aye" to "no."

So the bill was passed.

The result of the vote was announced as above recorded.

A motion to reconsider was laid on the table.

GENERAL LEAVE

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that all Members may have 5 legislative days within which to revise and extend their remarks, and include extraneous materials on the bill just passed.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

Mr. MAZZOLI. Mr. Speaker, pursuant to the provisions of House Resolutiom 580, I call up from the Speaker's table the Senate bill (S. 1200) to amend the Immigration and Nationality Act to effectively control unauthorized immigration to the United States, and for other purposes, and ask for its immediate consideration in the House.

The Clerk read the title of the Senate bill.

The SPEAKER. The Chair recognizes the gentleman from Kentucky [Mr. MAZZOLI].

MOTION OFFERED BY MR. MAZZOLI

Mr. MAZZOLI. Mr. Speaker, I move to strike out all after the enacting clause of the Senate bill, S. 1200, and insert in lieu thereof the text of the bill, H.R. 3810, as passed by the House, as follows:

Strike out all after the enacting clause, and insert:

SECTION 1. SHORT TITLE; REFERENCES IN ACT.

(a) SHORT TITLE.—This Act may be cited as the "Immigration Control and Legalization Amendments Act of 1986".

(b) AMENDMENTS TO IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this Act, whenever in this Act an amendment or repeal is expressed as an amendment to, or repeal of, a provision, the reference shall be deemed to be made to the Immigration and Nationality Act.

TABLE OF CONTENTS

TITLE I—CONTROL OF ILLEGAL IMMIGRATION

PART A—EMPLOYMENT

SEC. 101. CONTROL OF UNLAWFUL EMPLOYMENT OF ALIENS AND UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.

(a) IN GENERAL.—(1) Chapter 8 of title II is amended by inserting after section 274 (8 U.S.C. 1324) the following new section:

"UNLAWFUL EMPLOYMENT OF ALIENS

"SEC. 274A. (a) MAKING EMPLOYMENT OF UNAUTHORIZED ALIENS UNLAWFUL.—

"(1) IN GENERAL.—It is unlawful for a person or other entity after the date of the enactment of this section to hire, or to recruit or refer for a fee, for employment in the United States—

"(A) an alien knowing the alien is an unauthorized alien (as defined in subsection (g)) with respect to such employment, or

"(B) an individual without complying with the requirements of subsection (b).

"(2) CONTINUING EMPLOYMENT.—It is unlawful for a person or other entity, after hiring an alien for employment subsequent to the date of the enactment of this section and in accordance with paragraph (1), to continue to employ the alien in the United States knowing the alien is (or has become) an unauthorized alien with respect to such employment.

"(3) DEFENSE.—A person or entity that establishes that it has complied in good faith with the requirements of subsection (b) with respect to the hiring, recruiting, or referral for employment of an alien in the United States has established an affirmative defense that the person or entity has not violated paragraph (1)(A) with respect to such hiring, recruiting, or referral.

"(4) USE OF LABOR THROUGH CONTRACT.—For purposes of this section, a person or other entity who uses a contract, subcontract, or exchange, entered into, renegotiated, or extended after the date of the enactment of this section, to obtain the labor of an alien

in the United States knowing that the alien is an unauthorized alien (as defined in subsection (g)) with respect to performing such labor, shall be considered to have hired the alien for employment in the United States in violation of paragraph (1)(A).

"(5) USE OF STATE EMPLOYMENT AGENCY DOCUMENTATION.—For purposes of paragraphs (1)(B) and (3), a person or entity shall be deemed to have complied with the requirements of subsection (b) with respect to the hiring of an individual who was referred for such employment by a State employment agency (as defined by the Attorney General), if the person or entity has and retains (for the period and in the manner described in subsection (b)(3)) appropriate documentation of such referral by that agency, which documentation certifies that the agency has complied with the procedures specified in subsection (b) with respect to the individual's referral.

"(b) EMPLOYMENT VERIFICATION SYSTEM.—The requirements referred to in paragraphs (1)(B) and (3) of subsection (a) are, in the case of a person or other entity hiring, recruiting, or referring an individual for employment in the United States, the requirements specified in the following three paragraphs:

"(1) ATTESTATION AFTER EXAMINATION OF DOCUMENTATION.—

"(A) IN GENERAL.—The person or entity must attest, under penalty of perjury and on a form established or designated by the Attorney General by regulation, that he has verified that the individual is eligible to be employed (or recruited or referred for employment) in the United States by examining—

"(i) the individual's United States passport, or the individual's unexpired foreign passport if the foreign passport has an appropriate, unexpired endorsement of the Attorney General authorizing the individual's employment in the United States, or

"(ii) a document described in subparagraph (B) and a document described in subparagraph (C).

A person or entity has complied with the requirement of the preceding sentence with respect to examination of a document if the document reasonably appears on its face to be genuine. If an individual provides a document or combination of documents that reasonably appears on its face to be genuine and that is sufficient to meet the requirements of such sentence, nothing in this paragraph shall be construed as requiring the person or entity to solicit the production of any other document or as requiring the individual to produce such a document.

"(B) DOCUMENTS EVIDENCING EMPLOYMENT AUTHORIZATION.—A document described in this subparagraph is the individual's—

"(i) social security account number card issued by the Social Security Administration,

"(ii) certificate of birth in the United States or United States consular report of birth, or

"(iii) in the case of an individual without a social security card or a certificate of birth in the United States or a United States consular report of birth, any other identification acceptable to the Attorney General.

"(C) DOCUMENTS ESTABLISHING IDENTITY OF INDIVIDUAL.—A document described in this subparagraph is the individual's—

"(i) alien documentation, identification, and telecommunication card, or similar fraud-resistant card issued by the Attorney General to aliens, or other identification issued by the Attorney General to aliens who establish eligibility for employment,

"(ii) driver's license or similar document issued for the purpose of identification by a State, if it contains a photograph of the individual or such other personal identifying information relating to the individual as the Attorney General finds, by regulation, sufficient for purposes of this section, or

"(iii) in the case of individuals under 16 years of age or in a State which does not provide for issuance of an identification document (other than a driver's license) referred to in clause (ii), documentation of personal identity of such other type as the Attorney General finds, by regulation, provides a reliable means of identification.

"(2) INDIVIDUAL ATTESTATION OF EMPLOYMENT AUTHORIZATION.—The individual must attest, under penalty of perjury and on the form designated or established by the Attorney General for purposes of paragraph (1), that the individual is a citizen or national of the United States, an alien lawfully admitted for permanent residence, or an alien who is authorized under this Act or by the Attorney General to be hired, recruited, or referred for such employment.

"(3) RETENTION OF VERIFICATION FORM.—After completion of such form in accordance with paragraphs (1) and (2), the person or entity must retain the form and make it available for inspection by officers of the Service or of the Department of Labor during such period as the Attorney General shall specify in regulations.

"(4) COPYING OF DOCUMENTATION PERMITTED.—Notwithstanding any other provision of law, the person or entity may copy a document presented by an individual pursuant to this subsection and may retain the copy, but only (except as otherwise permitted under law) for the purpose of complying with the requirements of this subsection.

"(5) TIME FOR COMPLIANCE.—A person or entity has complied with the requirements of this subsection, with respect to the hiring of an individual, if the requirements of this subsection are first met not later than noon of the day following the day on which the individual is first employed by that person or entity.

"(6) LIMITATION ON USE OF ATTESTATION FORM.—A form designated or established by the Attorney General under this subsection and any information contained in or appended to such form, may not be used for purposes other than for enforcement of this section or section 1546 of title 18, United States Code.

"(c) NO AUTHORIZATION OF NATIONAL IDENTIFICATION CARDS.—Nothing in this section shall be construed to authorize, directly or indirectly, the issuance or use of national identification cards or the establishment of a national identification card.

"(d) PENALTIES.—

"(1) CIVIL MONEY PENALTY FOR UNLAWFUL EMPLOYMENT, RECRUITING, OR REFERRAL.—

"(A) IN GENERAL.—In the case of a person or entity which is determined (after notice and opportunity for an administrative hearing under paragraph (4)(A)) to have violated paragraph (1)(A) or (2) of subsection (a) and which—

"(i) has not previously been determined (after opportunity for a hearing under paragraph (4)(A)) to have violated either such paragraph, the person or entity shall be subject to a civil penalty of not less than $1,000, and not more than $2,000, for each unauthorized alien with respect to whom the violation occurred, or

"(ii) has previously been determined (after opportunity for a hearing under paragraph (4)(A)) to have violated either such paragraph, the person or entity shall be subject to a civil penalty of not less than $2,000, and not more than $5,000, for each unauthorized alien with respect to whom the violation occurred.

In determining the level of civil penalty that is applicable under this subparagraph for violations of paragraph (1)(A) or (2) of subsection (a), determinations of more than one violation in the course of a single proceeding or adjudication shall be counted as a single determination.

"(B) CRIMINAL PENALTY FOR PATTERN OR PRACTICE VIOLATIONS.—In the case of a person or entity which has engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the person or entity shall be fined not more than $1,000, imprisoned not more than six months, or both, for each violation.

"(2) ENJOINING OF PATTERN OR PRACTICE VIOLATIONS.—Whenever the Attorney General has reasonable cause to believe that a person or entity is engaged in a pattern or practice of employment, recruitment, or referral in violation of paragraph (1)(A) or (2) of subsection (a), the Attorney General may bring a civil action in the appropriate district court of the United States requesting such relief, including a permanent or temporary injunction, restraining order, or other order against the person or entity, as the Attorney General deems necessary.

"(3) CIVIL MONEY PENALTY FOR PAPERWORK VIOLATIONS.—A person or entity which is determined (after notice and opportunity for an administrative hearing under paragraph (4)(A)) to have violated subsection (a)(1)(B) shall be subject to a civil penalty of not less than $250 and not more than $1,000 for each individual with respect to whom such violation occurred. In determining the amount of the penalty, due consideration shall be given to the size of the business of the employer being charged, the good faith of the employer, the seriousness of the violation, and the history of previous violations.

"(4) ADMINISTRATIVE PROCESS.—

"(A) HEARING.—

"(i) IN GENERAL.—Before assessing a civil penalty against a person or entity under this subsection for a violation of subsection (a), the Attorney General shall provide the person or entity with notice and, upon request made within a reasonable time (of not less than 30 days, as established by the Attorney General) of the date of the notice, a hearing respecting the violation.

"(ii) CONDUCT OF HEARING.—Any hearing so requested shall be conducted before an administrative law judge. The hearing shall be conducted in accordance with the requirements of section 554 of title 5, United States Code. The hearing shall be held at the nearest practicable place to the place where the person or entity resides or of the place where the alleged violation occurred. If no hearing is so requested, the assessment shall constitute a final and unappealable order.

"(iii) JUDICIAL REVIEW.—A person or entity (including the Attorney General) adversely affected by a final order respecting an assessment may, within 60 days after the date the final order is issued, file a petition in the Court of Appeals for the appropriate circuit for review of the order.

"(B) COLLECTION OF CIVIL PENALTIES.—If the person or entity against whom a civil penalty is assessed fails to pay the penalty within the time prescribed in such order, the Attorney General shall file a suit to collect the

amount in the appropriate district court of the United States.

"(5) TREATMENT OF DISTINCT ENTITIES.—In applying this subsection in the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referral for employment, without reference to the practices of, and not under the control of or common control with, another subdivision, each such subdivision shall be considered a separate person or entity.

"(e) PROHIBITION OF INDEMNITY BONDS.—

"(1) PROHIBITION.—It is unlawful for a person or other entity, in the hiring, recruiting, or referring for employment of any individual, to require the individual to post a bond or security, to pay or agree to pay an amount, or otherwise to provide a financial guarantee or indemnity, against any potential liability arising under this section relating to such hiring, recruiting, or referring of the individual.

"(2) CIVIL PENALTY.—Any person or entity which is determined, after notice and opportunity for an administrative hearing, to have violated paragraph (1) shall be subject to a civil penalty of $1,000 for each violation and to an administrative order requiring the return of any amounts received in violation of such paragraph to the employee or, if the employee cannot be located, to the general fund of the Treasury.

"(f) MISCELLANEOUS PROVISIONS.—

"(1) DOCUMENTATION.—In providing documentation or endorsement of authorization of aliens (other than aliens lawfully admitted for permanent residence) authorized to be employed in the United States, the Attorney General shall provide that any limitations with respect to the period or type of employment or employer shall be conspicuously stated on the documentation or endorsement.

"(2) PREEMPTION.—The provisions of this section preempt any State or local law imposing civil or criminal sanctions (other than through licensing and similar laws) upon those who employ, or recruit or refer for a fee for employment, unauthorized aliens.

"(g) DEFINITION OF UNAUTHORIZED ALIEN.—As used in this section, the term 'unauthorized alien' means, with respect to the employment of an alien at a particular time, that the alien is not at that time either (1) an alien lawfully admitted for permanent residence, or (2) authorized to be so employed by this Act or by the Attorney General.".

(2) Except as provided in paragraphs (3), (4), and (5), the amendment made by paragraph (1) shall take effect on the date of the enactment of this Act, but shall not apply to the hiring, recruiting, or referring of individuals occurring after the end of the 6-year period beginning on the first day of the seventh month that begins after the date of the enactment of this Act.

(3) During the six-month period beginning on the first day of the first month after the date of the enactment of this Act—

(A) the Attorney General, in cooperation with the Secretaries of Agriculture, Commerce, Health and Human Services, Labor, and the Treasury and the Administrator of the Small Business Administration, shall disseminate forms and information to employers, employment agencies, and organizations representing employees and provide for public education respecting the requirements of section 274A of the Immigration and Nationality Act, and

(B) the Attorney General shall not conduct any proceeding, nor impose any penalty, under such section on the basis of any violation alleged to have occurred during the period.

(4) In the case of a person or entity, in the first instance in which the Attorney General has reason to believe that the person or entity may have violated subsection (a) of section 274A of the Immigration and Nationality Act during the subsequent 12-month period, the Attorney General shall provide a citation to the person or entity indicating that such a violation or violations may have occurred and shall not conduct any proceeding, nor impose any penalty, under such section on the basis of such alleged violation or violations.

(5)(A) Except as provided in subparagraph (B), before the end of the application period (as defined in subparagraph (C)(i)), the Attorney General shall not conduct any proceeding, nor impose any penalty, under section 274A of the Immigration and Nationality Act on the basis of any violation alleged to have occurred with respect to employment of an individual in seasonal agricultural services.

(B)(i) During the application period, it is unlawful for a person or entity (including a farm labor contractor) or an agent of such a person or entity, to recruit an unauthorized alien (other than an alien described in clause (ii)) who is outside the United States to enter the United States to perform seasonal agricultural services.

(ii) Clause (i) shall not apply to an alien who the person or entity reasonably believes meets the requirements of section 210(a)(2) of the Immigration and Nationality Act (relating to performance of seasonal agricultural services).

(iii) A person, entity, or agent that violates clause (i) shall be deemed to be subject to a penalty under section 274A(d) of the Immigration and Nationality Act in the same manner as if it had violated section 274A(a)(1)(A) of such Act, without regard to paragraph (4) of this subsection.

(C) In this paragraph:

(i) The term "application period" means the period described in section 210(a)(1) of the Immigration and Nationality Act (as added by section 302(a) of this Act).

(ii) The term "seasonal agricultural services" has the meaning given such term in section 210(g) of the Immigration and Nationality Act (as added by section 302(a) of this Act).

(iii) The term "unauthorized alien" has the meaning given such term in section 274A(g) of the Immigration and Nationality Act.

(6) The Attorney General shall, not later than the first day of the seventh month beginning after the date of the enactment of this Act, first issue, on an interim or other basis, such regulations as may be necessary in order to implement section 274A of the Immigration and Nationality Act.

(b) UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES.—(1) Chapter 8 of title II is further amended by inserting after section 274A, as inserted by subsection (a)(1), the following new section:

"UNFAIR IMMIGRATION-RELATED EMPLOYMENT PRACTICES

"SEC. 274B. (a) PROHIBITION OF DISCRIMINATION BASED ON NATIONAL ORIGIN OR CITIZENSHIP STATUS.—

"(1) GENERAL RULE.—It is an unfair immigration-related employment practice for a person or other entity to discriminate against any individual (other than an unauthorized alien) with respect to the hiring, or recruitment or referral for a fee, of the individual for employment or the discharging of the individual from employment—

"(A) because of such individual's national origin, or

"(B) in the case of a citizen or intending citizen (as defined in paragraph (3)), because of such individual's citizenship status.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply to—

"(A) a person or other entity that employs three or fewer employees,

"(B) a person's or entity's discrimination because of an individual's national origin if the discrimination with respect to that person or entity and that individual is covered under section 703 of the Civil Rights Act of 1964,

"(C) discrimination because of citizenship status which is otherwise required in order to comply with law, regulation, or executive order, or required by Federal, State, or local government contract, or which the Attorney General determines to be essential for an employer to do business with an agency or department of the Federal, State, or local government, or

"(D) discrimination against an individual on the basis of the individual's English language skill in those certain instances where the English language skill is a bona fide occupational qualification reasonably necessary to the normal operation of that particular business or enterprise.

"(3) DEFINITION OF CITIZEN OR INTENDING CITIZEN.—As used in paragraph (1), the term 'citizen or intending citizen' means an individual who—

"(A) is a citizen or national of the United States, or

"(B) is an alien who—

"(i) is lawfully admitted for permanent residence, is granted the status of an alien lawfully admitted for temporary residence under section 245A(a)(1), is admitted as a refugee under section 207, or is granted asylum under section 208, and

"(ii) evidences an intention to become a citizen of the United States through completing a declaration of intention to become a citizen;

but does not include (I) an alien who fails to apply for naturalization within six months of the date the alien first becomes eligible (by virtue of period of lawful permanent residence) to apply for naturalization or, if later, within six months after the date of the enactment of this section and (II) an alien who has applied on a timely basis, but has not been naturalized as a citizen within 2 years after the date of the application, unless the alien can establish that the alien is actively pursuing naturalization, except that time consumed in the Service's processing the application shall not be counted toward the 2-year period.

"(4) ADDITIONAL EXCEPTION PROVIDING RIGHT TO PREFER EQUALLY QUALIFIED CITIZENS.—Notwithstanding any other provision of this section, it is not an unfair immigration-related employment practice for a person or other entity to prefer to hire, recruit, or refer an individual who is a citizen or national of the United States over another individual who is an alien if the two individuals are equally qualified.

"(b) CHARGES OF VIOLATIONS.—

"(1) IN GENERAL.—Except as provided in paragraph (2), any person alleging that the person is adversely affected directly by an unfair immigration-related employment practice (or a person on that person's behalf) or an officer of the Service alleging

that an unfair immigration-related employment practice has occurred or is occurring may file a charge respecting such practice or violation with the Special Counsel (appointed under subsection (c)). Charges shall be in writing under oath or affirmation and shall contain such information as the Attorney General requires. The Special Counsel by certified mail shall serve a notice of the charge (including the date, place, and circumstances of the alleged unfair immigration-related employment practice) on the person or entity involved within 10 days.

"(2) NO OVERLAP WITH EEOC COMPLAINTS.—No charge may be filed respecting an unfair immigration-related employment practice described in subsection (a)(1)(A) if a charge with respect to that practice based on the same set of facts has been filed with the Equal Employment Opportunity Commission under title VII of the Civil Rights Act of 1964, unless the charge is dismissed as being outside the scope of such title. No charge respecting an employment practice may be filed with the Equal Employment Opportunity Commission under such title if a charge with respect to such practice based on the same set of facts has been filed under this subsection, unless the charge is dismissed under this section as being outside the scope of this section.

"(c) SPECIAL COUNSEL.—

"(1) APPOINTMENT.—The President shall appoint, by and with the advice and consent of the Senate, a Special Counsel for Immigration-Related Unfair Employment Practices (hereinafter in this section referred to as the 'Special Counsel') within the Department of Justice to serve for a term of four years. In the case of a vacancy in the office of the Special Counsel the President may designate the officer or employee who shall act as Special Counsel during such vacancy.

"(2) DUTIES.—The Special Counsel shall be responsible for investigation of charges and issuance of complaints under this section and in respect of the prosecution of all such complaints before administrative law judges and the exercise of certain functions under subsection (i)(1).

"(3) COMPENSATION.—The Special Counsel is entitled to receive compensation at a rate not to exceed the rate now or hereafter provided for grade GS-17 of the General Schedule, under section 5332 of title 5, United States Code.

"(4) REGIONAL OFFICES.—The Special Counsel, in accordance with regulations of the Attorney General, shall establish such regional offices as may be necessary to carry out his duties.

"(d) INVESTIGATION OF CHARGES.—

"(1) BY SPECIAL COUNSEL.—The Special Counsel shall investigate each charge received and, within 120 days of the date of the receipt of the charge, determine whether or not there is reasonable cause to believe that the charge is true and whether or not to bring a complaint with respect to the charge before an administrative law judge. The Special Counsel may, on his own initiative, conduct investigations respecting unfair immigration-related employment practices and, based on such an investigation and subject to paragraph (3), file a complaint before such a judge.

"(2) PRIVATE ACTIONS.—If the Special Counsel, after receiving such a charge respecting an unfair immigration-related employment practice which alleges knowing and intentional discriminatory activity or a pattern or practice of discriminatory activity, has not filed a complaint before an administrative law judge with respect to such charge within such 120-day period, the person making the charge may (subject to paragraph (3)) file a complaint directly before such a judge.

"(3) TIME LIMITATIONS ON COMPLAINTS.—No complaint may be filed respecting any unfair immigration-related employment practice occurring more than 180 days prior to the date of the filing of the charge with the Special Counsel. This subparagraph shall not prevent the subsequent amending of a charge or complaint under subsection (e)(1).

"(e) HEARINGS.—

"(1) NOTICE.—Whenever a complaint is made that a person or entity has engaged in or is engaging in any such unfair immigration-related employment practice, an administrative law judge shall have power to issue and cause to be served upon such person or entity a copy of the complaint and a notice of hearing before the judge at a place therein fixed, not less than five days after the serving of the complaint. Any such complaint may be amended by the judge conducting the hearing, upon the motion of the party filing the complaint, in the judge's discretion at any time prior to the issuance of an order based thereon. The person or entity so complained of shall have the right to file an answer to the original or amended complaint and to appear in person or otherwise and give testimony at the place and time fixed in the complaint.

"(2) JUDGES HEARING CASES.—Hearings on complaints under this subsection shall be considered before administrative law judges who are specially designated by the Attorney General as having special training respecting employment discrimination and, to the extent practicable, before such judges who only consider cases under this section.

"(3) COMPLAINANT AS PARTY.—Any person filing a charge with the Special Counsel respecting an unfair immigration-related employment practice shall be considered a party to any complaint before an administrative law judge respecting such practice and any subsequent appeal respecting that complaint. In the discretion of the judge conducting the hearing, any other person may be allowed to intervene in the said proceeding and to present testimony.

"(f) TESTIMONY AND AUTHORITY OF HEARING OFFICERS.—

"(1) TESTIMONY.—The testimony taken by the administrative law judge shall be reduced to writing. Thereafter, the judge, in his discretion, upon notice may provide for the taking of further testimony or hear argument.

"(2) AUTHORITY OF ADMINISTRATIVE LAW JUDGES.—In conducting investigations and hearings under this subsection and in accordance with regulations of the Attorney General, the Special Counsel and administrative law judges shall have reasonable access to examine evidence of any person or entity being investigated. The administrative law judges by subpoena may compel the attendance of witnesses and the production of evidence at any designated place or hearing. In case of contumacy or refusal to obey a subpoena lawfully issued under this paragraph and upon application of the administrative law judge, an appropriate district court of the United States may issue an order requiring compliance with such subpoena and any failure to obey such order may be punished by such court as a contempt thereof.

"(g) DETERMINATIONS.—

"(1) ORDER.—The administrative law judge shall issue and cause to be served on the parties to the proceeding an order, which shall be final unless appealed as provided under subsection (i).

"(2) ORDERS FINDING VIOLATIONS.—

"(A) IN GENERAL.—If, upon the preponderance of the evidence, an administrative law judge determines that any person or entity named in the complaint has engaged in or is engaging in any such unfair immigration-related employment practice, then the judge shall state his findings of fact and shall issue and cause to be served on such person or entity an order which requires such person or entity to cease and desist from such unfair immigration-related employment practice.

"(B) CONTENTS OF ORDER.—Such an order also may require the person or entity—

"(i) to comply with the requirements of section 274A(b) with respect to individuals hired (or recruited or referred for employment for a fee) during a period of up to three years;

"(ii) to retain for the period referred to in clause (i) and only for purposes consistent with section 274A(b)(6), the name and address of each individual who applies, in person or in writing, for hiring for an existing position, or for recruiting or referring for a fee, for employment in the United States;

"(iii) to hire individuals directly and adversely affected, with or without back pay; and

"(iv)(I) except as provided in subclause (II), to pay a civil penalty of not more than $1,000 for each individual discriminated against, and

"(II) in the case of a person or entity previously subject to such an order, to pay a civil penalty of not more than $2,000 for each individual discriminated against.

"(C) LIMITATION ON BACK PAY REMEDY.—In providing a remedy under subparagraph (B)(iii), back pay liability shall not accrue from a date more than two years prior to the date of the filing of a charge with an administrative law judge. Interim earnings or amounts earnable with reasonable diligence by the individual or individuals discriminated against shall operate to reduce the back pay otherwise allowable under such paragraph. No order shall require the hiring of an individual as an employee or the payment to an individual of any back pay, if the individual was refused employment for any reason other than discrimination on account of national origin or citizenship status.

"(D) TREATMENT OF DISTINCT ENTITIES.—In applying this subsection in the case of a person or entity composed of distinct, physically separate subdivisions each of which provides separately for the hiring, recruiting, or referring for employment, without reference to the practices of, and not under the control of or common control with, another subdivision, each such subdivision shall be considered a separate person or entity.

"(3) ORDERS NOT FINDING VIOLATIONS.—If upon the preponderance of the evidence an administrative law judge determines that the person or entity named in the complaint has not engaged or is not engaging in any such unfair immigration-related employment practice, then the judge shall state his findings of fact and shall issue an order dismissing the complaint.

"(h) AWARDING OF ATTORNEYS' FEES.—In any complaint respecting an unfair immigration-related employment practice, an administrative law judge, in the judge's discretion, may allow a prevailing party, other

than the United States, a reasonable attorney's fee.

"(i) REVIEW OF FINAL ORDERS.—

"(1) IN GENERAL.—Not later than 60 days after the entry of such final order, any person aggrieved by such final order may seek a review of such order in the United States court of appeals for the circuit in which the violation is alleged to have occurred or in which the employer resides or transacts business.

"(2) FURTHER REVIEW.—Upon the filing of the record with the court, the jurisdiction of the court shall be exclusive and its judgment shall be final, except that the same shall be subject to review by the Supreme Court of the United States upon writ of certiorari or certification as provided in section 1254 of title 28, United States Code.

"(j) COURT ENFORCEMENT OF ADMINISTRATIVE ORDERS.—

"(1) IN GENERAL.—If an order of the agency is not appealed under subsection (i)(1), the Special Counsel (or, if the Special Counsel fails to act, the person filing the charge) may petition the United States district court for the district in which a violation of the order is alleged to have occurred, or in which the respondent resides or transacts business, for the enforcement of the order of the administrative law judge, by filing in such court a written petition praying that such order be enforced.

"(2) COURT ENFORCEMENT ORDER.—Upon the filing of such petition, the court shall have jurisdiction to make and enter a decree enforcing the order of the administrative law judge. In such a proceeding, the order of the administrative law judge shall not be subject to review.

"(3) ENFORCEMENT DECREE IN ORIGINAL REVIEW.—If, upon appeal of an order under subsection (i)(1), the United States court of appeals does not reverse such order, such court shall have the jurisdiction to make and enter a decree enforcing the order of the administrative law judge.

"(4) AWARDING OF ATTORNEY'S FEES.—In any judicial proceeding under subsection (i) or this subsection, the court, in its discretion, may allow a prevailing party, other than the United States, a reasonable attorney's fee as part of costs.".

(2) The amendment made by paragraph (1) shall not apply to discrimination in hiring, recruiting, or referring of individuals occurring after the end of the 6-year period beginning on the first day of the seventh month that begins after the date of the enactment of this Act.

(c) CONFORMING AMENDMENTS TO MIGRANT AND SEASONAL AGRICULTURAL WORKER PROTECTION ACT.—(1) The Migrant and Seasonal Agricultural Worker Protection Act (Public Law 97-470) is amended—

(A) by striking out "101(a)(15)(H)(ii)" in paragraphs (8)(B) and (10)(B) of section 3 (29 U.S.C. 1802) and inserting in lieu thereof "101(a)(15)(H)(ii)(a)";

(B) in section 103(a) (29 U.S.C. 1813(a))—

(i) by striking out "or" at the end of paragraph (4),

(ii) by striking out the period at the end of paragraph (5) and inserting in lieu thereof "; or", and

(iii) by adding at the end the following new paragraph:

"(6) has been found to have violated paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act.";

(C) by striking out section 106 (29 U.S.C. 1816) and the corresponding item in the table of contents; and

(D) by striking out "section 106" in section 501(b) (29 U.S.C. 1851(b)) and by inserting in lieu thereof "paragraph (1) or (2) of section 274A(a) of the Immigration and Nationality Act".

(2) The amendments made by paragraph (1) shall apply to the employment, recruitment, referral, or utilization of the services of an individual occurring on or after the first day of the seventh month beginning after the date of the enactment of this Act and before the end of the 6-year period beginning on the first day of such month.

(d) NO EFFECT ON EEOC AUTHORITY.—Except as may be specifically provided in this section, nothing in this section shall be construed to restrict the authority of the Equal Employment Opportunity Commission to investigate allegations, in writing and under oath or affirmation, of unlawful employment practices, as provided in section 706 of the Civil Rights Act of 1964 (42 U.S.C. 2000e-5), or any other authority provided therein.

(e) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 274 the following new items:

"Sec. 274A. Unlawful employment of aliens.
"Sec. 274B. Unfair immigration-related employment practices.".

(f) STUDY ON THE USE OF A TELEPHONE VERIFICATION SYSTEM FOR DETERMINING EMPLOYMENT ELIGIBILITY OF ALIENS.—(1) The Attorney General, in consultation with the Secretary of Labor and the Secretary of Health and Human Services, shall conduct a study for use by the Department of Justice in determining employment eligibility of aliens in the United States. Such study shall concentrate on those data bases that are currently available to the Federal Government which through the use of a telephone and computation capability could be used to verify instantly the employment eligibility status of job applicants who are aliens.

(2) Such study shall be conducted in conjunction with any existing Federal program which is designed for the purpose of providing information on the resident or employment status of aliens for employers. The study shall include an analysis of costs and benefits which shows the differences in costs and efficiency of having the Federal Government or a contractor perform this service. Such comparisons should include reference to such technical capabilities as processing techniques and time, verification techniques and time, back up safeguards, and audit trail performance.

(3) Such study shall also concentrate on methods of phone verification which demonstrate the best safety and service standards, the least burden for the employer, the best capability for effective enforcement, and procedures which are within the boundaries of the Privacy Act of 1974.

(4) Such study shall be conducted within twelve months of the date of enactment of this Act.

(5) The Attorney General shall prepare and transmit to the Congress a report—

(A) not later than six months after the date of enactment of this Act, describing the status of such study; and

(B) not later than twelve months after such date, setting forth the findings of such study.

SEC. 102. FRAUD AND MISUSE OF CERTAIN IMMIGRATION-RELATED DOCUMENTS.

(a) APPLICATION TO ADDITIONAL DOCUMENTS.—Section 1546 of title 18, United States Code, is amended—

(1) by amending the heading to read as follows:

"§ 1546. Fraud and misuse of visas, permits, and other documents";

(2) by striking out "or other document required for entry into the United States" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States";

(3) by striking out "or document" in the first paragraph and inserting in lieu thereof "border crossing card, alien registration receipt card, or other document prescribed by statute or regulation for entry into or as evidence of authorized stay or employment in the United States";

(4) by striking out "$2,000" and inserting in lieu thereof "$5,000";

(5) by inserting "(a)" before "Whoever" the first place it appears; and

(6) by adding at the end the following new subsections:

"(b) Whoever uses—

"(1) an identification document, knowing (or having reason to know) that the document was not issued lawfully for the use of the possessor,

"(2) an identification document knowing (or having reason to know) that the document is false, or

"(3) a false attestation,

for the purpose of satisfying a requirement of section 274A(b) of the Immigration and Nationality Act, shall be fined not more than $5,000, or imprisoned not more than two years, or both.

"(c) This section does not prohibit any lawfully authorized investigative, protective, or intelligence activity of a law enforcement agency of the United States, a State, or a subdivision of a State, or of an intelligence agency of the United States, or any activity authorized under title V of the Organized Crime Control Act of 1970 (18 U.S.C. note prec. 3481).".

(b) CONFORMING AMENDMENT TO TABLE OF SECTIONS.—The item relating to section 1546 in the table of sections of chapter 75 of such title is amended to read as follows:

"1546. Fraud and misuse of visas, permits, and other documents.".

PART B—IMPROVEMENT OF ENFORCEMENT AND SERVICES

SEC. 111. AUTHORIZATION OF APPROPRIATIONS FOR ENFORCEMENT AND SERVICE ACTIVITIES OF THE IMMIGRATION AND NATURALIZATION SERVICE.

(a) TWO ESSENTIAL ELEMENTS.—Two essential elements of the program of immigration control and reform established by this Act are—

(1) an increase in the border patrol and other enforcement activities of the Immigration and Naturalization Service and of other appropriate Federal agencies in order to prevent and deter the illegal entry of aliens into the United States, and

(2) an increase in examinations and other service activities of the Immigration and Naturalization Service and other appropriate Federal agencies in order to ensure prompt and efficient adjudication of petitions and applications provided for under the Immigration and Nationality Act.

(b) INCREASED AUTHORIZATION OF APPROPRIATIONS FOR INS AND EOIR.—In addition to any other amounts authorized to be appropriated, in order to carry out this Act there are authorized to be appropriated to the Department of Justice—

(1) for the Immigration and Naturalization Service, for fiscal year 1986,

$422,000,000, and for fiscal year 1987, $419,000,000; and

(2) for the Executive Office of Immigration Review, for fiscal year 1986, $12,000,000, and for fiscal year 1987, $15,000,000.

(c) USE OF FUNDS FOR IMPROVED SERVICES.—Of the funds appropriated to the Department of Justice for the Immigration and Naturalization Service, the Attorney General shall provide for improved immigration and naturalization services and for enhanced community outreach and in-service training of personnel of the Service. Such enhanced community outreach shall include the establishment of appropriate local community taskforces to improve the working relationship between the Service and local community groups and organizations (including employers and organizations representing minorities).

(d) PROGRAM OF IN-SERVICE TRAINING.—Section 103 (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

"(c) IN-SERVICE TRAINING PROGRAM.—(1) The Attorney General shall provide for such programs of in-service training for full-time and part-time personnel of the Service in contact with the public as will familiarize the personnel with the rights and varied cultural backgrounds of aliens and citizens in order to ensure and safeguard the constitutional and civil rights, personal safety, and human dignity of all individuals, aliens as well as citizens, within the jurisdiction of the United States with whom they have contact in their work.

"(2) The Attorney General shall provide that the annual report of the Service includes a description of steps taken to carry out paragraph (1).".

(e) ENHANCEMENT OF COMMUNITY OUTREACH WITHIN THE IMMIGRATION AND NATURALIZATION SERVICE.—Section 103 (8 U.S.C. 1103), as amended by subsection (d), is further amended by adding at the end the following new subsection:

"(d) COMMUNITY OUTREACH PROGRAM.—(1) The Attorney General shall enhance the responsibilities of the community outreach program within the Service so that such program, acting in cooperation with the community relations service of the Department of Justice, has personnel located at the district level—

"(A) to assist in the provision of services, particularly naturalization services;

"(B) to provide outreach to deal generally with community problems with the Service arising at the district level; and

"(C) to receive and investigate complaints of abuse of authority by personnel of the Service and to transmit findings thereon to appropriate authorities for disposition or resolution.

In providing for the functions described in subparagraph (A), the Attorney General may secure the assistance and services of voluntary and community agencies.

"(2) The Attorney General shall provide that the annual report of the Service includes details concerning the progress of the Service's community outreach program in carrying out the responsibilities described in paragraph (1).".

(f) DATA PROCESSING REQUIREMENTS OF THE INS.—(1) The Attorney General shall report to the Committees on the Judiciary of the House of Representatives and the Senate, and to any other appropriate committees of the Congress, not later than six months after the date of the enactment of this Act, on the results of a comprehensive analysis of the data processing requirements of the Immigration and Naturalization Service. The report shall include—

(A) an assessment of the data processing needs of the Service, and

(B) an analysis of the alternatives considered to meet those requirements, including the use of regional centers and other available resources of the Department of Justice.

(2) The Attorney General shall provide that any automatic data processing equipment, facilities, and software of the Immigration and Naturalization Service are acquired consistent with the provisions of section 111 of the Federal Property and Administrative Services Act of 1949 (40 U.S.C. 759). No such equipment, facilities, or software may be ordered, acquired, or installed without the prior review and approval of the Administrator of General Services. The Administrator shall notify Congress in writing of all such approvals, together with any limitations or conditions thereon, or modifications thereto.

(3) Effective November 18, 1985, neither the Attorney General nor the Immigration and Naturalization Service may order, acquire, or install any new data processing equipment, facilities, or software for the use of the Service under the existing contract known as Acquisition II until 45 days after the date that Congress receives written notification under paragraph (2) of the approval, by the Administrator of General Services, of the order, acquisition, or installation.

(g) INCREASE IN BORDER PATROL.—There are authorized to be appropriated, for each of fiscal years 1987, 1988, and 1989, such additional sums as may be necessary to provide for an increase in the border patrol personnel of the Immigration and Naturalization Service so that the average level of such personnel in each such fiscal year is 50 percent higher than such level in fiscal year 1986.

SEC. 112. UNLAWFUL TRANSPORTATION OF ALIENS TO THE UNITED STATES.

Subsection (a) of section 274 (8 U.S.C. 1324) is amended to read as follows:

"(a) CRIMINAL PENALTIES.—(1) Any person who—

"(A) knowing that a person is an alien, brings to or attempts to bring to the United States in any manner whatsoever such person at a place other than a designated port of entry or place other than as designated by the Commissioner, regardless of whether such alien has received prior official authorization to come to, enter, or reside in the United States and regardless of any future official action which may be taken with respect to such alien;

"(B) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, transports, or moves or attempts to transport or move such alien within the United States by means of transportation or otherwise, in furtherance of such violation of law; or

"(C) knowing or in reckless disregard of the fact that an alien has come to, entered, or remains in the United States in violation of law, conceals, harbors, or shields from detection, or attempts to conceal, harbor, or shield from detection, such alien in any place, including any building or any means of transportation,

shall be fined not more than $10,000, imprisoned not more than five years, or both, for each alien in respect to whom any violation of this paragraph occurs.

"(2) Any person who, knowing or in reckless disregard of the fact that an alien has not received prior official authorization to come to, enter, or reside in the United States, brings to or attempts to bring to the United States in any manner whatsoever, such alien, regardless of any official action which may later be taken with respect to such alien shall, for each transaction constituting a violation of this paragraph, regardless of the number of aliens involved—

"(A) be fined not more than $5,000, or imprisoned not more than one year, or both; or

"(B) in the case of—

"(i) a second or subsequent offense,

"(ii) an offense done for the purpose of commercial advantage or private financial gain, or

"(iii) an offense in which the alien is not upon arrival immediately brought and presented to an appropriate immigration officer at a designated port of entry,

be fined not more than $10,000, or imprisoned not more than five years, or both.".

SEC. 113. TREATMENT OF IMMIGRATION EMERGENCIES.

(a) IMMIGRATION CONTINGENCY PLAN.—Section 103 (8 U.S.C. 1103) is amended by adding at the end the following new subsection:

"(c) The Attorney General shall develop, and may from time to time modify, a contingency plan to provide for the allocation and management of personnel and resources in the event of an immigration emergency. In developing such a plan, the Attorney General shall consult with the Judiciary Committees of the House of Representatives and of the Senate and with State and local governments.".

(b) IMMIGRATION EMERGENCY FUND.—Section 404 (8 U.S.C. 1101 note) is amended by inserting "(a)" after "SEC. 404." and by adding at the end the following new subsection:

"(b) There are authorized to be appropriated to an immigration emergency fund, to be established in the Treasury, $35,000,000, to be used in accordance with the immigration contingency plan developed under section 103(c) to provide for an increase in border patrol or other enforcement activities of the Service and for reimbursement of State and localities in providing assistance as requested by the Attorney General in meeting an immigration emergency, except that no amounts may be withdrawn from such funds with respect to an emergency unless the President has determined that the immigration emergency exists and has certified such fact to the Judiciary Committees of the House of Representatives and of the Senate.".

SEC. 114. LIABILITY OF OWNERS AND OPERATORS OF INTERNATIONAL BRIDGES AND TOLL ROADS TO PREVENT THE UNAUTHORIZED LANDING OF ALIENS.

Section 271 (8 U.S.C. 1321) is amended by inserting at the end the following new subsection:

"(c)(1) Any owner or operator of a railroad line, international bridge, or toll road who establishes to the satisfaction of the Attorney General that the person has acted diligently and reasonably to fulfill the duty imposed by subsection (a) shall not be liable for the penalty described in such subsection, notwithstanding the failure of the person to prevent the unauthorized landing of any alien.

"(2)(A) At the request of any person described in paragraph (1), the Attorney General shall inspect any facility established, or any method utilized, at a point of entry into the United States by such person for the purpose of complying with subsection (a). The

Attorney General shall approve any such facility or method (for such period of time as the Attorney General may prescribe) which the Attorney General determines is satisfactory for such purpose.

"(B) Proof that any person described in paragraph (1) has diligently maintained any facility, or utilized any method, which has been approved by the Attorney General under subparagraph (A) (within the period for which the approval is effective) shall be prima facie evidence that such person acted diligently and reasonably to fulfill the duty imposed by subsection (a) (within the meaning of paragraph (1) of this subsection).".

SEC. 115. ENFORCEMENT OF THE IMMIGRATION LAWS OF THE UNITED STATES.

It is the sense of the Congress that—

(1) the immigration laws of the United States should be enforced vigorously and uniformly, and

(2) in the enforcement of such laws, the Attorney General shall take due and deliberate actions necessary to safeguard the constitutional rights, personal safety, and human dignity of United States citizens and aliens.

SEC. 116. RESTRICTING WARRANTLESS ENTRY IN THE CASE OF OUTDOOR AGRICULTURAL OPERATIONS.

Section 287 (8 U.S.C. 1357) is amended by adding at the end the following new subsection:

"(d) Notwithstanding any other provision of this section other than paragraph (3) of subsection (a), an officer or employee of the Service may not enter without the consent of the owner (or agent thereof) or a properly executed warrant onto the premises of a farm or other outdoor agricultural operation for the purpose of interrogating a person believed to be an alien as to the person's right to be or to remain in the United States.".

PART C—VERIFICATION OF STATUS UNDER CERTAIN PROGRAMS

SEC. 121. VERIFICATION OF IMMIGRATION STATUS OF ALIENS APPLYING FOR BENEFITS UNDER CERTAIN PROGRAMS.

(a) REQUIRING IMMIGRATION STATUS VERIFICATION.—

(1) UNDER AFDC, MEDICAID, UNEMPLOYMENT COMPENSATION, AND FOOD STAMP PROGRAMS.—Section 1137 of the Social Security Act (42 U.S.C. 1320b-7) is amended—

(A) in the matter in subsection (a) before paragraph (1), by inserting "which meets the requirements of subsection (d) and" after "income and eligibility verification system",

(B) in subsection (b), by striking out "income verification system" in the matter preceding paragraph (1) and inserting in lieu thereof "income and eligibility verification system", and

(C) by adding at the end the following new subsections:

"(d) The requirements of this subsection, with respect to an income and eligibility verification system of a State, are as follows:

"(1)(A) The State shall require, as a condition of an individual's eligibility for benefits under any program listed in subsection (b), a declaration in writing by the individual (or, in the case of an individual who is a child, by another on the individual's behalf), under penalty of perjury, stating whether or not the individual is a citizen or national of the United States, and, if that individual is not a citizen or national of the United States, that the individual is in a satisfactory immigration status.

"(B) In this subsection—

"(i) in the case of the program described in subsection (b)(1), any reference to an individual's eligibility for benefits under the program shall be considered a reference to the individual's being considered a dependent child or to the individual's being treated as a caretaker relative or other person whose needs are to be taken into account in making the determination under section 402(a)(7),

"(ii) in the case of the program described in subsection (b)(4)—

"(I) any reference to the State shall be considered a reference to the State agency, and

"(II) any reference to an individual's eligibility for benefits under the program shall be considered a reference to the individual's eligibility to participate in the program as a member of a household, and

"(III) the term 'satisfactory immigration status' means an immigration status which does not make the individual ineligible for benefits under the applicable program.

"(2) If such an individual is not a citizen or national of the United States, there must be presented either—

"(A) alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or

"(B) such other documents as the State determines constitutes reasonable evidence indicating a satisfactory immigration status.

"(3) If the documentation described in paragraph (2)(A) is presented, the State shall utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the individual's immigration status through an automated or other system (designated by the Service for use with States) that—

"(A) utilizes the individual's name, file number, admission number, or other means permitting efficient verification, and

"(B) protects the individual's privacy to the maximum degree possible.

"(4) In the case of such an individual who is not a citizen or national of the United States, if, at the time of application for benefits, the statement described in paragraph (1) is submitted but the documentation required under paragraph (2) is not presented or if the documentation required under paragraph (2)(A) is presented but such documentation is not verified under paragraph (3)—

"(A) the State—

"(i) shall provide a reasonable opportunity to submit to the State evidence indicating a satisfactory immigration status, and

"(ii) may not delay, deny, reduce, or terminate the individual's eligibility for benefits under the program on the basis of the individual's immigration status until such a reasonable opportunity has been provided; and

"(B) if there are submitted documents which the State determines constitutes reasonable evidence indicating such status—

"(i) the State shall transmit to the Immigration and Naturalization Service photostatic or other similar copies of such documents for official verification,

"(ii) pending such verification, the State may not delay, deny, reduce, or terminate the individual's eligibility for benefits under the program on the basis of the individual's immigration status, and

"(iii) the State shall not be liable for the consequences of any action, delay, or failure of the Service to conduct such verification.

"(5) If the State determines, after complying with the requirements of paragraph (4), that such an individual is not in a satisfactory immigration status under the applicable program—

"(A) the State shall deny or terminate the individual's eligibility for benefits under the program, and

"(B) the applicable fair hearing process shall be made available with respect to the individual.

"(e) Each Federal agency responsible for administration of a program described in subsection (b) shall not take any compliance, disallowance, penalty, or other regulatory action against a State with respect to any error in the State's determination to make an individual eligible for benefits based on citizenship or immigration status—

"(1) if the State has provided such eligibility based on a verification of satisfactory immigration status by the Immigration and Naturalization Service,

"(2) because the State, under subsection (d)(4)(A)(ii), was required to provide a reasonable opportunity to submit documentation,

"(3) because the State, under subsection (d)(4)(B)(ii), was required to wait for the response of the Immigration and Naturalization Service to the State's request for official verification of the immigration status of the individual, or

"(4) because of a fair hearing process described in subsection (d)(5)(B).".

(2) UNDER HOUSING ASSISTANCE PROGRAMS.—Section 214 of the Housing and Community Development Act of 1980 (42 U.S.C. 1436a) is amended by adding at the end the following new subsections:

"(d) The following conditions apply with respect to financial assistance being provided for the benefit of an individual:

"(1)(A) There must be a declaration in writing by the individual (or, in the case of an individual who is a child, by another on the individual's behalf), under penalty of perjury, stating whether or not the individual is a citizen or national of the United States, and, if that individual is not a citizen or national of the United States, that the individual is in a satisfactory immigration status.

"(B) In this subsection, the term 'satisfactory immigration status' means an immigration status which does not make the individual ineligible for financial assistance.

"(2) If such an individual is not a citizen or national of the United States, there must be presented either—

"(A) alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or

"(B) such other documents as the Secretary determines constitutes reasonable evidence indicating a satisfactory immigration status.

"(3) If the documentation described in paragraph (2)(A) is presented, the Secretary shall utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the individual's immigration status through an automated or other system (designated by the Service for use with States) that—

"(A) utilizes the individual's name, file number, admission number, or other means permitting efficient verification, and

"(B) protects the individual's privacy to the maximum degree possible.

"(4) In the case of such an individual who is not a citizen or national of the United States, if, at the time of application for financial assistance, the statement described in paragraph (1) is submitted but the documentation required under paragraph (2) is not presented or if the documentation required under paragraph (2)(A) is presented but such documentation is not verified under paragraph (3)—

"(A) the Secretary—

"(i) shall provide a reasonable opportunity to submit to the Secretary evidence indicating a satisfactory immigration status, and

"(ii) may not delay, deny, reduce, or terminate the individual's eligibility for financial assistance on the basis of the individual's immigration status until such a reasonable opportunity has been provided; and

"(B) if there are submitted documents which the Secretary determines constitutes reasonable evidence indicating such status—

"(i) the Secretary shall transmit to the Immigration and Naturalization Service photostatic or other similar copies of such documents for official verification,

"(ii) pending such verification, the Secretary may not delay, deny, reduce, or terminate the individual's eligibility for financial assistance on the basis of the individual's immigration status, and

"(iii) the Secretary shall not be liable for the consequences of any action, delay, or failure of the Service to conduct such verification.

"(5) If the Secretary determines, after complying with the requirements of paragraph (4), that such an individual is not in a satisfactory immigration status—

"(A) the Secretary shall deny or terminate the individual's eligibility for financial assistance, and

"(B) the applicable fair hearing process shall be made available with respect to the individual.

In this subsection and subsection (e), the term 'Secretary' refers to the Secretary and to a public housing authority or other entity which makes financial assistance available.

"(e) The Secretary shall not take any compliance, disallowance, penalty, or other regulatory action against an entity with respect to any error in the entity's determination to make an individual eligible for financial assistance based on citizenship or immigration status—

"(1) if the entity has provided such eligibility based on a verification of satisfactory immigration status by the Immigration and Naturalization Service,

"(2) because the entity, under subsection (d)(4)(A)(ii), was required to provide a reasonable opportunity to submit documentation,

"(3) because the entity, under subsection (d)(4)(B)(ii), was required to wait for the response of the Immigration and Naturalization Service to the entity's request for official verification of the immigration status of the individual, or

"(4) because of a fair hearing process described in subsection (d)(5)(B).".

(3) UNDER TITLE IV EDUCATIONAL ASSISTANCE.—Section 484 of the Higher Education Act of 1965 (20 U.S.C. 1091) is amended by adding at the end the following new subsections:

"(c) The following conditions apply with respect to an individual's receipt of any grant, loan, or work assistance under this title as a student at an institution of higher education:

"(1)(A) There must be a declaration in writing to the institution by the student, under penalty of perjury, stating whether or not the student is a citizen or national of the United States, and, if the student is not a citizen or national of the United States, that the individual is in a satisfactory immigration status.

"(B) In this subsection, the term 'satisfactory immigration status' means an immigration status which does not make the student ineligible for a grant, loan, or work assistance under this title.

"(2) If the student is not a citizen or national of the United States, there must be presented to the institution either—

"(A) alien registration documentation or other proof of immigration registration from the Immigration and Naturalization Service that contains the individual's alien admission number or alien file number (or numbers if the individual has more than one number), or

"(B) such other documents as the institution determines (in accordance with guidelines of the Secretary) constitutes reasonable evidence indicating a satisfactory immigration status.

"(3) If the documentation described in paragraph (2)(A) is presented, the institution shall utilize the individual's alien file or alien admission number to verify with the Immigration and Naturalization Service the individual's immigration status through an automated or other system (designated by the Service for use with institutions) that—

"(A) utilizes the individual's name, file number, admission number, or other means permitting efficient verification, and

"(B) protects the individual's privacy to the maximum degree possible.

"(4) In the case of such an individual who is not a citizen or national of the United States, if the statement described in paragraph (1) is submitted but the documentation required under paragraph (2) is not presented or if the documentation required under paragraph (2)(A) is presented but such documentation is not verified under paragraph (3)—

"(A) the institution—

"(i) shall provide a reasonable opportunity to submit to the institution evidence indicating a satisfactory immigration status, and

"(ii) may not delay, deny, reduce, or terminate the individual's eligibility for the grant, loan, or work assistance on the basis of the individual's immigration status until such a reasonable opportunity has been provided; and

"(B) if there are submitted documents which the institution determines constitutes reasonable evidence indicating such status—

"(i) the institution shall transmit to the Immigration and Naturalization Service photostatic or other similar copies of such documents for official verification,

"(ii) pending such verification, the institution may not delay, deny, reduce, or terminate the individual's eligibility for the grant, loan, or work assistance on the basis of the individual's immigration status, and

"(iii) the institution shall not be liable for the consequences of any action, delay, or failure of the Service to conduct such verification.

"(5) If the institution determines, after complying with the requirements of paragraph (4), that such an individual is not in a satisfactory immigration status—

"(A) the institution shall deny or terminate the individual's eligibility for such grant, loan, or work assistance, and

"(B) the fair hearing process (which includes, at a minimum, the requirements of paragraph (6)) shall be made available with respect to the individual.

"(6) The minimal requirements of this paragraph for a fair hearing process are as follows:

"(A) The institution provides the individual concerned with written notice of the determination described in paragraph (5) and of the opportunity for a hearing respecting the determination.

"(B) Upon timely request by the individual, the institution provides a hearing before an official of the institution at which the individual can produce evidence of a satisfactory immigration status.

"(C) Not later than 45 days after the date of an individual's request for a hearing, the official will notify the individual in writing of the official's decision on the appeal of the determination.

"(d) The Secretary shall not take any compliance, disallowance, penalty, or other regulatory action against an institution of higher education with respect to any error in the institution's determination to make a student eligible for a grant, loan, or work assistance based on citizenship or immigration status—

"(1) if the institution has provided such eligibility based on a verification of satisfactory immigration status by the Immigration and Naturalization Service,

"(2) because the institution, under subsection (c)(4)(A)(ii), was required to provide a reasonable opportunity to submit documentation,

"(3) because the institution, under subsection (c)(4)(B)(ii), was required to wait for the response of the Immigration and Naturalization Service to the institution's request for official verification of the immigration status of the student, or

"(4) because of a fair hearing process described in subsection (c)(5)(B).

"(e) Notwithstanding subsection (c), if—

"(1) a guaranty is made under this title for a loan made with respect to an individual,

"(2) at the time the guaranty is entered into, the provisions of subsection (c) had been complied with,

"(3) amounts are paid under the loan subject to such guaranty, and

"(4) there is a subsequent determination that, because of an unsatisfactory immigration status, the individual is not eligible for the loan,

the official of the institution making the determination shall notify and instruct the entity making the loan to cease further payments under the loan, but such guaranty shall not be voided or otherwise nullified with respect to such payments made before the date the entity receives the notice.".

(b) PROVIDING 100 PERCENT REIMBURSEMENT FOR COSTS OF IMPLEMENTATION AND OPERATION.—

(1) UNDER AFDC PROGRAM.—Section 403(a)(3) of the Social Security Act is amended by inserting before subparagraph (B) the following new subparagraph:

"(A) 100 percent of so much of such expenditures as are for the costs of the implementation and operation of the immigration status verification system described in section 1137(d),".

(2) UNDER MEDICAID PROGRAM.—Section 1903(a) of such Act is amended by inserting

after paragraph (3) the following new paragraph:

"(4) an amount equal to 100 percent of the sums expended during the quarter which are attributable to the costs of the implementation and operation of the immigration status verification system described in section 1137(d); plus".

(3) UNDER UNEMPLOYMENT COMPENSATION PROGRAM.—The first sentence of section 302(a) of such Act is amended by inserting before the period at the end the following: ", including 100 percent of so much of the reasonable expenditures of the State as are attributable to the costs of the implementation and operation of the immigration status verification system described in section 1137(d)".

(4) UNDER CERTAIN TERRITORIAL ASSISTANCE PROGRAMS.—Sections 3(a)(4), 1003(a)(3), 1403(a)(3), and 1603(a)(4) of the Social Security Act (as in effect without regard to section 301 of the Social Security Amendments of 1972) are each amended by redesignating subparagraph (B) as subparagraph (C) and inserting after subparagraph (A) the following new subparagraph:

"(B) 100 percent of so much of such expenditures as are for the costs of the implementation and operation of the immigration status verification system described in section 1137(d); plus".

(5) UNDER THE FOOD STAMP PROGRAM.—Section 16 of the Food Stamp Act of 1977 (7 U.S.C. 2025) is amended by adding at the end the following new subsection:

"(h) The Secretary is authorized to pay to each State agency an amount equal to 100 per centum of the costs incurred by the State agency in implementing and operating the immigration status verification system described in section 1137(d) of the Social Security Act.".

(6) UNDER HOUSING ASSISTANCE PROGRAMS.—The United States Housing Act of 1937 (42 U.S.C. 1437 et seq.) is amended by adding at the end the following new section:

"PAYMENT FOR IMPLEMENTATION OF IMMIGRATION STATUS VERIFICATION SYSTEM

"SEC. 20. The Secretary is authorized to pay to each public housing authority an amount equal to 100 percent of the costs incurred by the authority in implementing and operating the immigration status verification system under section 214(c) of the Housing and Community Development Act of 1980 with respect to financial assistance made available pursuant to this Act.".

(7) UNDER TITLE IV EDUCATIONAL ASSISTANCE.—Section 489(a) of the Higher Education Act of 1965 (20 U.S.C. 1096) is amended by adding at the end the following: "In addition, the Secretary shall provide for payment to each institution of higher education an amount equal to 100 percent of the costs incurred by the institution in implementing and operating the immigration status verification system under section 484(c).".

(c) EFFECTIVE DATES.—

(1) IMMIGRATION AND NATURALIZATION SERVICE ESTABLISHING VERIFICATION SYSTEM BY OCTOBER 1, 1987.—The Commissioner of Immigration and Naturalization shall implement a system for the verification of immigration status under paragraphs (3) and (4)(B)(i) of section 1137(d) of the Social Security Act (as amended by this section) so that the system is available to all the States by not later than October 1, 1987. Such system shall not be used by the Immigration and Naturalization Service for administrative (non-criminal) immigration enforcement purposes and shall be implemented in a manner that provides for verification of immigration status without regard to the sex, color, race, religion, or nationality of the individual involved.

(2) HIGHER MATCHING EFFECTIVE IN FISCAL YEAR 1988.—The amendments made by subsection (b) take effect on October 1, 1987.

(3) USE OF VERIFICATION SYSTEM REQUIRED IN FISCAL YEAR 1989.—Except as provided in paragraph (4), the amendments made by subsection (a) take effect on October 1, 1988. States have until that date to begin complying with the requirements imposed by those amendments.

(4) USE OF VERIFICATION SYSTEM NOT REQUIRED FOR A PROGRAM IN CERTAIN CASES.—

(A) REPORT TO RESPECTIVE CONGRESSIONAL COMMITTEES.—With respect to each covered program (as defined in subparagraph (D)(i)), each appropriate Secretary shall examine and report to the appropriate Committees of the House of Representatives and of the Senate, by not later than April 1, 1988, concerning whether (and the extent to which)—

(i) the application of the amendments made by subsection (a) to the program is cost-effective and otherwise appropriate, and

(ii) there should be a waiver of the application of such amendments under subparagraph (B).

The amendments made by subsection (a) shall not apply with respect to a covered program described in subclause (II), (V), (VI), or (VII) of subparagraph (D)(i) until after the date of receipt of such report with respect to the program.

(B) WAIVER IN CERTAIN CASES.—If, with respect to a covered program, the appropriate Secretary determines, on the Secretary's own initiative or upon an application by an administering entity and based on such information as the Secretary deems persuasive (which may include the results of the report required under subsection (d)(1) and information contained in such an application), that—

(i) the appropriate Secretary or the administering entity has in effect an alternative system of immigration status verification which—

(I) is as effective and timely as the system otherwise required under the amendments made by subsection (a) with respect to the program, and

(II) provides for at least the hearing and appeals rights for beneficiaries that would be provided under the amendments made by subsection (a), or

(ii) the costs of administration of the system otherwise required under such amendments exceed the estimated savings,

such Secretary may waive the application of such amendments to the covered program to the extent (by State or other geographic area or otherwise) that such determinations apply.

(C) BASIS FOR DETERMINATION.—A determination under subparagraph (B)(ii) shall be based upon the appropriate Secretary's estimate of—

(i) the number of aliens claiming benefits under the covered program in relation to the total number of claimants seeking benefits under the program,

(ii) any savings in benefit expenditures reasonably expected to result from implementation of the verification program, and

(iii) the labor and nonlabor costs of administration of the verification system,

the degree to which the Immigration and Naturalization Service is capable of providing timely and accurate information to the administering entity in order to permit a reliable determination of immigration status, and such other factors as such Secretary deems relevant.

(D) DEFINITIONS.—In this paragraph:

(i) The term "covered program" means each of the following programs:

(I) The aid to families with dependent children program under part A of title IV of the Social Security Act.

(II) The medicaid program under title XIX of the Social Security Act.

(III) Any State program under a plan approved under title I, X, XIV, or XVI of the Social Security Act.

(IV) The unemployment compensation program under section 3304 of the Internal Revenue Code of 1954.

(V) The food stamp program under the Food Stamp Act of 1977.

(VI) The programs of financial assistance for housing subject to section 214 of the Housing and Community Development Act of 1980.

(VII) The program of grants, loans, and work assistance under title IV of the Higher Education Act of 1965.

(ii) The term "appropriate Secretary" means, with respect to the covered program described in—

(I) subclauses (I) through (III) of clause (i), the Secretary of Health and Human Services;

(II) clause (i)(IV), the Secretary of Labor;

(III) clause (i)(V), the Secretary of Agriculture;

(IV) clause (i)(VI), the Secretary of Housing and Urban Development; and

(V) clause (i)(VII), the Secretary of Education.

(iii) The term "administering entity" means, with respect to the covered program described in—

(I) subclause (I), (II), (III), (IV), or (V) of clause (i), the State agency responsible for the administration of the program in a State;

(II) clause (i)(VI), the Secretary of Housing and Urban Development, a public housing agency, or another entity that determines the eligibility of an individual for financial assistance; and

(III) clause (i)(VII), an institution of higher education involved.

(5) FUNDS AUTHORIZED.—Such sums as may be necessary are authorized for the Immigration and Naturalization Service to carry out the purposes of this section.

(d) GAO REPORTS.—

(1) REPORT ON CURRENT PILOT PROJECTS.—The Comptroller General shall—

(A) examine current pilot projects relating to the System for Alien Verification of Eligibility (SAVE) operated by, or through cooperative agreements with, the Immigration and Naturalization Service, and

(B) report, not later than October 1, 1987, to Congress and to the Commissioner of the Immigration and Naturalization Service concerning the effectiveness of such projects and any problems with the implementation of such projects, particularly as they may apply to implementation of the system referred to in subsection (c)(1).

(2) REPORT ON IMPLEMENTATION OF VERIFICATION SYSTEM.—The Comptroller General shall—

(A) monitor and analyze the implementation of such system,

(B) report to Congress and to the appropriate Secretaries described in subsection (c)(4)(D)(ii), by not later than April 1, 1989, on such implementation, and

(C) include in such report such recommendations for changes in the system as may be appropriate.

TITLE II—LEGALIZATION

SEC. 201. LEGALIZATION OF STATUS.

(a) PROVIDING FOR LEGALIZATION PROGRAM.—(1) Chapter 5 of title II is amended by inserting after section 245 (8 U.S.C. 1255) the following new section:

"ADJUSTMENT OF STATUS OF CERTAIN ENTRANTS BEFORE JANUARY 1, 1982, TO THAT OF PERSON ADMITTED FOR LAWFUL RESIDENCE

"SEC. 245A. (a) TEMPORARY RESIDENT STATUS.—The Attorney General shall adjust the status of an alien to that of an alien lawfully admitted for temporary residence if the alien meets the following requirements:

"(1) ENTRY, PHYSICAL PRESENCE, AND TIMELY APPLICATION.—

"(A) DURING APPLICATION PERIOD.—Except as provided in subparagraph (B), the alien must apply for such adjustment during the 18-month period beginning on a date (not later than 180 days after the date of enactment of this section) designated by the Attorney General.

"(B) APPLICATION WITHIN 30 DAYS OF SHOW-CAUSE ORDER.—An alien who, at any time during the first 17 months of the 18-month period described in subparagraph (A), is the subject of an order to show cause issued under section 242, must make application under this section not later than the end of the 30-day period beginning either on the first day of such 18-month period or on the date of the issuance of such order, whichever day is later.

"(C) TREATMENT OF CERTAIN CUBAN AND HAITIAN ENTRANTS.—For purposes of this subsection, an alien in the status of a Cuban and Haitian entrant described in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422 shall be considered to have entered the United States and to be in an unlawful status in the United States.

"(2) CONTINUOUS UNLAWFUL RESIDENCE SINCE 1982.—

"(A) IN GENERAL.—The alien must establish that he entered the United States before January 1, 1982, and that he has resided continuously in the United States in an unlawful status since such date and through the date the application is filed under this subsection.

"(B) NONIMMIGRANTS.—In the case of an alien who entered the United States as a nonimmigrant before January 1, 1982, the alien must establish that the alien's period of authorized stay as a nonimmigrant expired before such date through the passage of time or the alien's unlawful status was known to the Government as of such date.

"(C) EXCHANGE VISITORS.—If the alien was at any time a nonimmigrant exchange alien (as defined in section 101(a)(15)(J)), the alien must establish that the alien was not subject to the two-year foreign residence requirement of section 212(e) or has fulfilled that requirement or received a waiver thereof.

"(3) CONTINUOUS PHYSICAL PRESENCE SINCE ENACTMENT.—

"(A) IN GENERAL.—The alien must establish that the alien has been continuously physically present in the United States since the date of the enactment of this section.

"(B) TREATMENT OF BRIEF, CASUAL, AND INNOCENT ABSENCES.—An alien shall not be considered to have failed to maintain continuous physical presence in the United States for purposes of subparagraph (A) by virtue of brief, casual, and innocent absences from the United States.

"(C) ADMISSIONS.—Nothing in this section shall be construed as authorizing an alien to apply for admission to, or to be admitted to, the United States in order to apply for adjustment of status under this subsection.

"(4) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he—

"(A) is admissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2),

"(B) has not been convicted of any felony or of three or more misdemeanors committed in the United States,

"(C) has not assisted in the persecution of any person or persons on account of race, religion, nationality, membership in a particular social group, or political opinion, and

"(D) is registered or registering under the Military Selective Service Act, if the alien is required to be so registered under that Act.

"(b) SUBSEQUENT ADJUSTMENT TO PERMANENT RESIDENCE AND NATURE OF TEMPORARY RESIDENT STATUS.—

"(1) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall adjust the status of any alien provided lawful temporary resident status under subsection (a) to that of an alien lawfully admitted for permanent residence if the alien meets the following requirements:

"(A) TIMELY APPLICATION AFTER ONE YEAR'S RESIDENCE.—The alien must apply for such adjustment during the one-year period beginning with the thirteenth month that begins after the date the alien was granted such temporary resident status.

"(B) CONTINUOUS RESIDENCE.—

"(i) IN GENERAL.—The alien must establish that he has continuously resided in the United States since the date the alien was granted such temporary resident status.

"(ii) TREATMENT OF CERTAIN ABSENCES.—An alien shall not be considered to have lost the continuous residence referred to in clause (i) by reason of an absence from the United States permitted under paragraph (3)(A).

"(C) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he—

"(i) is admissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2), and

"(ii) has not been convicted of any felony or three or more misdemeanors committed in the United States.

"(D) BASIC CITIZENSHIP SKILLS.—

"(i) IN GENERAL.—The alien must demonstrate that he either—

"(I) meets the requirements of section 312 (relating to minimal understanding of ordinary English and a knowledge and understanding of the history and government of the United States), or

"(II) is satisfactorily pursuing a course of study (recognized by the Attorney General) to achieve such an understanding of English and such a knowledge and understanding of the history and government of the United States.

"(ii) EXCEPTION FOR ELDERLY INDIVIDUALS.—The Attorney General may, in his discretion, waive all or part of the requirements of clause (i) in the case of an alien who is 65 years of age or older.

"(iii) RELATION TO NATURALIZATION EXAMINATION.—In accordance with regulations of the Attorney General, an alien who has demonstrated under clause (i)(I) that the alien meets the requirements of section 312 may be considered to have satisfied the requirements of that section for purposes of becoming naturalized as a citizen of the United States under title III.

"(2) TERMINATION OF TEMPORARY RESIDENCE.—The Attorney General shall provide for termination of temporary resident status granted an alien under subsection (a)—

"(A) if it appears to the Attorney General that the alien was in fact not eligible for such status;

"(B) if the alien commits an act that (i) makes the alien inadmissible to the United States as an immigrant, except as otherwise provided under subsection (d)(2), or (ii) is convicted of any felony or three or more misdemeanors committed in the United States; or

"(C) at the end of the twenty-fifth month beginning after the date the alien is granted such status, unless the alien has filed an application for adjustment of such status pursuant to paragraph (1) and such application has not been denied.

"(3) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—During the period an alien is in lawful temporary resident status granted under subsection (a)—

"(A) AUTHORIZATION OF TRAVEL ABROAD.—The Attorney General shall, in accordance with regulations, permit the alien to return to the United States after such brief and casual trips abroad as reflect an intention on the part of the alien to adjust to lawful permanent resident status under paragraph (1) and after brief temporary trips abroad occasioned by a family obligation involving an occurrence such as the illness or death of a close relative or other family need.

"(B) AUTHORIZATION OF EMPLOYMENT.—The Attorney General shall grant the alien authorization to engage in employment in the United States and provide to that alien an 'employment authorized' endorsement or other appropriate work permit.

"(c) APPLICATIONS FOR ADJUSTMENT OF STATUS.—

"(1) TO WHOM MAY BE MADE.—The Attorney General shall provide that applications for adjustment of status under subsection (a) or under subsection (b)(1) may be filed—

"(A) with the Attorney General, or

"(B) with a designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Attorney General.

"(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—For purposes of receiving applications under this section, the Attorney General—

"(A) shall designate qualified voluntary organizations and other qualified State, local, and community organizations, and

"(B) may designate such other persons as the Attorney General determines are qualified and have substantial experience, demonstrated competence, and traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209 or 245, Public Law 89-732, or Public Law 95-145.

"(3) TREATMENT OF APPLICATIONS BY DESIGNATED ENTITIES.—Each designated entity must agree to forward to the Attorney General applications filed with it in accordance with paragraph (1)(B) but not to forward to the Attorney General applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Attorney General.

"(4) LIMITATION ON ACCESS TO INFORMATION.—Files and records of designated entities operating under this section are confidential and the Attorney General and the Service shall not have access to such files or records relating to an alien without the consent of the alien.

"(5) CONFIDENTIALITY OF INFORMATION.—Neither the Attorney General, nor any other of-

ficial or employee of the Department of Justice, or bureau or agency thereof, may—

"(A) use the information furnished pursuant to an application filed under this section for any purpose other than to make a determination on the application or for enforcement of paragraph (6),

"(B) make any publication whereby the information furnished by any particular individual can be identified, or

"(C) permit anyone other than the sworn officers and employees of the Department or bureau or agency or, with respect to applications filed with a designated entity, that designated entity, to examine individual applications.

Anyone who uses, publishes, or permits information to be examined in violation of this paragraph shall be fined not more than $5,000 or imprisoned not more than five years, or both.

"(6) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—Whoever files an application for adjustment of status under this section and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, shall be fined not more than $10,000 or imprisoned not more than five years, or both.

"(7) APPLICATION FEES.—

"(A) AMOUNT OF FEES.—The fee for filing an application for adjustment under subsection (a) shall be established by the Attorney General and may not exceed $75 in the case of an individual applicant or $175 in the case of an application filed on behalf of an individual, his spouse, and any of his children.

"(B) USE OF FEES.— The Attorney General shall deposit payments received under this paragraph in a separate account and amounts in such account shall be available, without fiscal year limitation, to cover administrative and other expenses incurred in connection with the review of applications filed under this section.

"(d) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR EXCLUSION.—

"(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

"(2) WAIVER OF GROUNDS FOR EXCLUSION.—In the determination of an alien's admissibility under subsections (a)(4)(A), (b)(1)(C)(i), and (b)(2)(B)—

"(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not apply.

"(B) WAIVER OF OTHER GROUNDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Attorney General may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(ii) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of section 212(a) may not be waived by the Attorney General under clause (i):

"(I) Paragraphs (9) and (10) (relating to criminals).

"(II) Paragraph (15) (relating to aliens likely to become public charges) insofar as it relates to an application for adjustment to permanent residence.

"(III) Paragraph (23) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana.

"(IV) Paragraphs (27), (28), and (29) (relating to national security and members of certain organizations).

"(V) Paragraph (33) (relating to those who assisted in the Nazi persecutions).

"(iii) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

"(C) MEDICAL EXAMINATION.—The alien shall be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

"(e) TEMPORARY STAY OF DEPORTATION AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

"(1) BEFORE APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1)(A) and who can establish a nonfrivolous case of eligibility to have his status adjusted under subsection (a) (but for the fact that he may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for adjustment, the alien—

"(A) may not be deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(2) DURING APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who presents a nonfrivolous application for adjustment of status under subsection (a) during the application period, and until a final determination on the application has been made in accordance with this section, the alien—

"(A) may not be deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(f) ADMINISTRATIVE AND JUDICIAL REVIEW.—

"(1) ADMINISTRATIVE AND JUDICIAL REVIEW.—There shall be no administrative or judicial review of a determination respecting an application for adjustment of status under this section except in accordance with this subsection.

"(2) ADMINISTRATIVE REVIEW.—

"(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Attorney General shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

"(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

"(3) JUDICIAL REVIEW.—

"(A) LIMITATION TO REVIEW OF DEPORTATION.—There shall be judicial review of such a denial only in the judicial review of an order of deportation under section 106.

"(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

"(g) REGULATIONS IMPLEMENTING SECTION.—The Attorney General, after consultation with the Committees on the Judiciary of the House of Representatives and of the Senate and with qualified designated entities, shall prescribe—

"(1) regulations establishing a definition of the term 'resided continuously', as used in this section, and the evidence needed to establish that an alien has resided continuously in the United States for purposes of this section, and

"(2) such other regulations as may be necessary to carry out this section.

Such regulations may be prescribed to take effect on an interim final basis if the Attorney General determines that this is necessary in order to implement this section in a timely manner.

"(h) TEMPORARY DISQUALIFICATION OF NEWLY LEGALIZED ALIENS FROM RECEIVING CERTAIN PUBLIC WELFARE ASSISTANCE.—

"(1) IN GENERAL.—During the five-year period beginning on the date an alien was granted lawful temporary resident status under subsection (a), and notwithstanding any other provision of law—

"(A) except as provided in paragraphs (2) and (3), the alien is not eligible for—

"(i) any program of financial assistance furnished under Federal law (whether through grant, loan, guarantee, or otherwise) on the basis of financial need, as such programs are identified by the Attorney General in consultation with other appropriate heads of the various departments and agencies of Government (but in any event including the program of aid to families with dependent children under part A of title IV of the Social Security Act),

"(ii) medical assistance under a State plan approved under title XIX of the Social Security Act, and

"(iii) assistance under the Food Stamp Act of 1977; and

"(B) a State or political subdivision therein may, to the extent consistent with subparagraph (A) and paragraphs (2) and (3), provide that the alien is not eligible for the programs of financial assistance or for medical assistance described in subparagraph (A)(ii) furnished under the law of that State or political subdivision.

"(2) EXCEPTIONS.—Paragraph (1) shall not apply—

"(A) to a Cuban and Haitian entrant (as defined in paragraph (1) or (2)(A) of section 501(e) of Public Law 96-422, as in effect on April 1, 1983), or

"(B) in the case of assistance (other than aid to families with dependent children) which is furnished to an alien who is an aged, blind, or disabled individual (as defined in section 1614(a)(1) of the Social Security Act).

"(3) RESTRICTED MEDICAID BENEFITS.—

"(A) CLARIFICATION OF ENTITLEMENT.—Subject to the restrictions under subparagraph (B), for the purpose of providing aliens with eligibility to receive medical assistance—

"(i) paragraph (1) shall not apply,

"(ii) aliens who would be eligible for medical assistance but for the provisions of paragraph (1) shall be deemed, for purposes of

title XIX of the Social Security Act, to be so eligible, and

"(iii) aliens lawfully admitted for temporary residence under this section, such status not having changed, shall be considered to be permanently residing in the United States under color of law.

"(B) RESTRICTION OF BENEFITS.—

"(i) LIMITATION TO EMERGENCY SERVICES AND SERVICES FOR PREGNANT WOMEN.—Notwithstanding any provision of title XIX of the Social Security Act (including subparagraphs (B) and (C) of section 1902(a)(10) of such Act), aliens who, but for subparagraph (A), would be ineligible for medical assistance under paragraph (1), are only eligible for such assistance with respect to—

"(I) emergency services (as defined for purposes of section 1916(a)(2)(D) of the Social Security Act), and

"(II) services described in section 1916(a)(2)(B) of such Act (relating to service for pregnant women).

"(ii) NO RESTRICTION FOR EXEMPT ALIENS AND CHILDREN.—The restrictions of clause (i) shall not apply to aliens who are described in paragraph (2) or who are under 18 years of age.

"(C) DEFINITION OF MEDICAL ASSISTANCE.—In this paragraph, the term 'medical assistance' refers to medical assistance under a State plan approved under title XIX of the Social Security Act.

"(4) TREATMENT OF CERTAIN PROGRAMS.—Assistance furnished under any of the following provisions of law shall not be construed to be financial assistance described in paragraph (1)(A)(i):

"(A) The National School Lunch Act.

"(B) The Child Nutrition Act of 1966.

"(C) the Vocational Education Act of 1963.

"(D) Chapter 1 of the Education Consolidation and Improvement Act of 1981.

"(E) The Headstart-Follow Through Act.

"(F) The Job Training Partnership Act.

"(G) Title IV of the Higher Education Act of 1965.

"(H) The Public Health Service Act.

"(I) Titles V, XVI, and XX, and parts B, D, and E of title IV, of the Social Security Act (and titles I, X, XIV, and XVI of such Act as in effect without regard to the amendment made by section 301 of the Social Security Amendments of 1972).

"(5) ADJUSTMENT NOT AFFECTING FASCELL-STONE BENEFITS.—For the purpose of section 501 of the Refugee Education Assistance Act of 1980 (Public Law 96-122), assistance shall be continued under such section with respect to an alien without regard to the alien's adjustment of status under this section.

"(i) DISSEMINATION OF INFORMATION ON LEGALIZATION PROGRAM.—Beginning not later than the date designated by the Attorney General under subsection (a)(1)(A), the Attorney General, in cooperation with designated entities, shall broadly disseminate in English and other appropriate languages information respecting the benefits which aliens may receive under this section and the requirements to obtain such benefits. Such information shall include—

"(1) information respecting the requirements that aliens with lawful temporary resident status would have to meet to have their status adjusted to permanent resident status under subsection (b)(1) and the facilities available to provide education and employment training and opportunities in order to meet such requirements;

"(2) information on the conditions under which temporary lawful resident status can be rescinded under subsection (b)(2); and

"(3) information on conditions for employment and foreign travel of aliens with lawful temporary resident status under subsection (b)(3).".

(2) The table of contents for chapter 5 of title II is amended by inserting after the item relating to section 245 the following new item:

"Sec. 245A. Adjustment of status of certain entrants before January 1, 1982, to that of person admitted for lawful residence.".

(b) CONFORMING AMENDMENTS.—(1) Section 402 of the Social Security Act is amended by adding at the end thereof the following new subsection:

"(f)(1) For temporary disqualification of certain newly legalized aliens from receiving aid to families with dependent children, see subsection (h) of section 245A of the Immigration and Nationality Act.

"(2) In any case where an alien disqualified from receiving aid under such subsection (h) is the parent of a child who is not so disqualified and who (without any adjustment of status under such section 245A) is considered a dependent child under subsection (a)(33), or is the brother or sister of such a child, subsection (a)(38) shall not apply, and the needs of such alien shall not be taken into account in making the determination under subsection (a)(7) with respect to such child, but the income of such alien (if he or she is the parent of such child) shall be included in making such determination to the same extent that income of a stepparent is included under subsection (a)(31).".

(2)(A) Section 472(a) of such Act is amended by adding at the end thereof (after and below paragraph (4)) the following new sentence:

"In any case where the child is an alien disqualified under section 245A(h) of the Immigration and Nationality Act from receiving aid under the State plan approved under section 402 in or for the month in which such agreement was entered into or court proceedings leading to the removal of the child from the home were instituted, such child shall be considered to satisfy the requirements of paragraph (4) (and the corresponding requirements of section 473(a)(1)(B)), with respect to that month, if he or she would have satisfied such requirements but for such disqualification.".

(B) Section 473(a)(1) of such Act is amended by adding at the end thereof (after and below subparagraph (C)) the following new sentence:

"The last sentence of section 472(a) shall apply, for purposes of subparagraph (B), in any case where the child is an alien described in that sentence.".

SEC. 202. CUBAN-HAITIAN ADJUSTMENT.

(a) ADJUSTMENT OF STATUS.—The status of any alien described in subsection (b) may be adjusted by the Attorney General, in the Attorney General's discretion and under such regulations as the Attorney General may prescribe, to that of an alien lawfully admitted for permanent residence if—

(1) the alien applies for such adjustment within two years after the date of the enactment of this Act;

(2) the alien is otherwise eligible to receive an immigrant visa and is otherwise admissible to the United States for permanent residence, except in determining such admissibility the grounds for exclusion specified in paragraphs (14), (15), (16), (17), (20), (21), (25), and (32) of section 212(a) of the Immigration and Nationality Act shall not apply;

(3) the alien is not an alien described in section 243(h)(2) of such Act;

(4) the alien is physically present in the United States on the date the application for such adjustment is filed; and

(5) the alien has continuously resided in the United States since January 1, 1982.

(b) ALIENS ELIGIBLE FOR ADJUSTMENT OF STATUS.—The benefits provided by subsection (a) shall apply to any alien—

(1) who has received an immigration designation as a Cuban/Haitian Entrant (Status Pending) as of the date of the enactment of this Act, or

(2) who is a national of Cuba or Haiti, who arrived in the United States before January 1, 1982, with respect to whom any record was established by the Immigration and Naturalization Service before January 1, 1982, and who (unless the alien filed an application for asylum with the Immigration and Naturalization Service before January 1, 1982) was not admitted to the United States as a nonimmigrant.

(c) NO AFFECT ON FASCELL-STONE BENEFITS.—An alien who, as of the date of the enactment of this Act, is a Cuban and Haitian entrant for the purpose of section 501 of Public Law 96-422 shall continue to be considered such an entrant for such purpose without regard to any adjustment of status effected under this section.

(d) RECORD OF PERMANENT RESIDENCE AS OF JANUARY 1, 1982.—Upon approval of an alien's application for adjustment of status under subsection (a), the Attorney General shall establish a record of the alien's admission for permanent residence as of January 1, 1982.

(e) NO OFFSET IN NUMBER OF VISAS AVAILABLE.—When an alien is granted the status of having been lawfully admitted for permanent residence pursuant to this section, the Secretary of State shall not be required to reduce the number of immigrant visas authorized to be issued under the Immigration and Nationality Act and the Attorney General shall not be required to charge the alien any fee.

(f) APPLICATION OF IMMIGRATION AND NATIONALITY ACT PROVISIONS.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing contained in this section shall be held to repeal, amend, alter, modify, effect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization. The fact that an alien may be eligible to be granted the status of having been lawfully admitted for permanent residence under this section shall not preclude the alien from seeking such status under any other provision of law for which the alien may be eligible.

SEC. 203. UPDATING REGISTRY DATE TO JANUARY 1, 1976.

(a) IN GENERAL.—Section 249 (8 U.S.C. 1259) is amended—

(1) by striking out "JUNE 30, 1948" in the heading and inserting in lieu thereof "JANUARY 1, 1976", and

(2) by striking out "June 30, 1948" in paragraph (a) and inserting in lieu thereof "January 1, 1976".

(b) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The item in the table of contents relating to section 249 is amended by striking out "June 30, 1948", and inserting in lieu thereof "January 1, 1976".

(c) CLARIFICATION.—The numerical limitations of sections 201 and 202 of the Immigration and Nationality Act shall not apply to aliens provided lawful permanent resident status under section 249 of that Act.

SEC. 204. STATE LEGALIZATION ASSISTANCE.

(a) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated to carry out subsections (b) and (c) of this section (including State and local administrative costs) such sums as may be necessary for fiscal year 1987 and for each of the four succeeding fiscal years.

(2) Amounts appropriated under this subsection for a fiscal year which are not obligated by the end of such year shall remain available for obligation during the next fiscal year.

(3) If the amounts appropriated under this subsection for a fiscal year are insufficient to provide fully for reimbursement and payments under subsections (b) and (c) for the fiscal year—

(A) amounts shall first be obligated for purposes of making payments to States and State educational agencies under such subsections, and

(B) in obligating such amounts, amounts shall be allocated among the States and State educational agencies on an equal pro rata basis based on their costs under such subsections in providing public assistance and educational services, except as provided in paragraph (4).

(4)(A) If the amounts appropriated under this subsection for a fiscal year exceed 40 percent, but are less than 100 percent, of the amounts necessary to provide fully for reimbursement and payments under subsections (b) and (c) for the fiscal year, the subsection (b) percentage (as defined in subparagraph (B)) may exceed the subsection (c) percentage, so long as the subsection (c) percentage is not less than 40 percent.

(B) In subparagraph (A), the terms "subsection (b) percentage" and "subsection (c) percentage" mean the ratio (expressed as a percentage) of—

(i) the amounts obligated for purposes of making payments under subsection (b) or subsection (c), respectively, to

(ii) the amounts necessary to provide fully for reimbursement and payments under the respective subsection.

(b) REIMBURSEMENT TO STATES FOR PUBLIC ASSISTANCE FOR ELIGIBLE LEGALIZED ALIENS.—(1) Subject to the amounts provided in advance in appropriation Acts, the Secretary of Health and Human Services shall provide reimbursement to each State (as defined in paragraph (2)(A)) for 100 percent of the costs of programs of public assistance (as defined in paragraph (2)(B)) provided to any eligible legalized alien (as defined in paragraph (2)(D)) and for 100 percent of the costs of programs of public health assistance (as defined in paragraph (2)(C)) provided to any alien who is, or is applying on a timely basis to the Attorney General to become, an eligible legalized alien. No such reimbursement shall be available to any such program of public health assistance to the extent that the costs of services provided to such eligible legalized aliens have been financed through Federal funds.

(2) For purposes of this subsection:

(A) The term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

(B) The term "programs of public assistance" means programs existing in a State or local jurisdiction which—

(i) provide for cash, medical, or other assistance designed to meet the basic subsistence or health needs of individuals,

(ii) are generally available to needy individuals residing in the State or locality, and

(iii) receive funding from units of State or local government.

(C) The term "programs of public health assistance" means programs in a State or local jurisdiction which—

(i) provide public health services, including immunizations for immunizable diseases, testing and treatment for tuberculosis and sexually-transmitted diseases, and family planning services,

(ii) are generally available to needy individuals residing in the State or locality, and

(iii) receive funding from units of State or local government.

(D) The term "eligible legalized alien" means an alien who was granted lawful temporary resident status under section 245A(a) of the Immigration and Nationality Act, but only until the end of the five-year period beginning on the date the alien was granted such status.

(c) EDUCATIONAL ASSISTANCE.—(1) Subject to the amounts provided in advance in appropriation Acts and in accordance with this section, the Secretary of Education shall make payments to State educational agencies for the purpose of assisting local educational agencies of that State in providing educational services for eligible legalized aliens (as defined in subsection (b)(2)(D)).

(2) The definitions and provisions of the Emergency Immigrant Education Act of 1984 (title VI of Public Law 98-511; 20 U.S.C. 4101 et seq.) shall apply to payments under this subsection in the same manner as they apply to payments under that Act, except that, in applying this paragraph—

(A) any reference in such Act to "immigrant children" shall be deemed to be a reference to "eligible legalized aliens" (including such aliens who are over 16 years of age) during the 60-month period beginning with the first month in which such an alien is granted temporary lawful residence under section 245A(a) of the Immigration and Nationality Act;

(B) in determining the amount of payment with respect to eligible legalized aliens who are over 16 years of age, the phrase "described under paragraph (2)" shall be deemed to be stricken from section 606(b)(1)(A) of such Act (20 U.S.C. 4105(b)(1)(A));

(C) the State educational agency may provide such educational services to adult eligible legalized aliens through local educational agencies and other public and private nonprofit organizations, including community-based organizations of demonstrated effectiveness; and

(D) such services may include English language and other programs designed to enable such aliens to attain the citizenship skills described in section 245A(b)(1)(D)(i) of the Immigration and Nationality Act.

(d) NO DUPLICATION OF ASSISTANCE.—Reimbursement under subsection (b) or subsection (c) shall not be made for costs to the extent the costs are otherwise reimbursed or paid for under other Federal programs.

(e) CONSULTATION IN IMPLEMENTING SECTION.—The Secretary of Health and Human Services and the Secretary of Education shall consult with representatives of State and local governments in establishing regulations and guidelines to carry out this section.

TITLE III—REFORM OF LEGAL IMMIGRATION

PART A—TEMPORARY AGRICULTURAL WORKERS

SEC. 301. H-2A AGRICULTURAL WORKERS.

(a) PROVIDING NEW "H-2A" NONIMMIGRANT CLASSIFICATION FOR TEMPORARY AGRICULTURAL LABOR.—Paragraph (15)(H) of section 101(a) (8 U.S.C. 1101(a)) is amended by striking out "to perform temporary services or labor," in clause (ii) and inserting in lieu thereof "(a) to perform agricultural labor or services, as defined by the Secretary of Labor in regulations and including agricultural labor defined in section 3121(g) of the Internal Revenue Code of 1954 and agriculture as defined in section 3(f) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(f)), of a temporary or seasonal nature, or (b) to perform other temporary service or labor".

(b) INVOLVEMENT OF DEPARTMENTS OF LABOR AND AGRICULTURE IN H-2A PROGRAM.—Section 214(c) (8 U.S.C. 1184(c)) is amended by adding at the end the following: "For purposes of this subsection with respect to nonimmigrants described in section 101(a)(15)(H)(ii)(a), the term 'appropriate agencies of Government' means the Department of Labor and includes the Department of Agriculture. The provisions of section 216 shall apply to the question of importing any alien as a nonimmigrant under section 101(a)(15)(H)(ii)(a).".

(c) ADMISSION OF H-2A WORKERS.—(1) Chapter 2 of title II is amended by adding after section 215 the following new section:

"ADMISSION OF TEMPORARY H-2A WORKERS

"SEC. 216. (a) CONDITIONS FOR APPROVAL OF H-2A PETITIONS.—(1) A petition to import an alien as an H-2A worker (as defined in subsection (i)(2)) may not be approved by the Attorney General unless the petitioner has applied to the Secretary of Labor for a certification that—

"(A) there are not sufficient workers who are able, willing, and qualified, and who will be available at the time and place needed, to perform the labor or services involved in the petition, and

"(B) the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

"(2) The Secretary of Labor may require by regulation, as a condition of issuing the certification, the payment of a fee to recover the reasonable costs of processing applications for certification.

"(b) CONDITIONS FOR DENIAL OF LABOR CERTIFICATION.—The Secretary of Labor may not issue a certification under subsection (a) with respect to an employer if the conditions described in that subsection are not met or if any of the following conditions are met:

"(1) There is a strike or lockout in the course of a labor dispute which, under the regulations, precludes such certification.

"(2)(A) The employer during the previous two-year period employed H-2A workers and the Secretary of Labor has determined, after notice and opportunity for a hearing, that the employer at any time during that period substantially violated a material term or condition of the labor certification with respect to the employment of domestic or nonimmigrant workers.

"(B) No employer may be denied certification under subparagraph (A) for more than three years for any violation described in such subparagraph.

"(3) The employer has not provided the Secretary with satisfactory assurances that

if the employment for which the certification is sought is not covered by State workers' compensation law, the employer will provide, at no cost to the worker, insurance covering injury and disease arising out of and in the course of the worker's employment which will provide benefits at least equal to those provided under the State workers' compensation law for comparable employment.

"(4) The Secretary determines that the employer has not made positive recruitment efforts within a multi-state region of traditional or expected labor supply where the Secretary finds that there are a significant number of qualified United States workers who, if recruited, would be willing to make themselves available for work at the time and place needed. Positive recruitment under this paragraph is in addition to, and shall be conducted within the same time period as, the circulation through the interstate employment service system of the employer's job offer. The obligation to engage in positive recruitment under this paragraph shall terminate on the date the H-2A workers depart for the employer's place of employment.

"(c) SPECIAL RULES FOR CONSIDERATION OF APPLICATIONS.—The following rules shall apply in the case of the filing and consideration of an application for a labor certification under this section:

"(1) DEADLINE FOR FILING APPLICATIONS.—The Secretary of Labor may not require that the application be filed more than 60 days before the first date the employer requires the labor or services of the H-2A worker.

"(2) NOTICE WITHIN SEVEN DAYS OF DEFICIENCIES.—(A) The employer shall be notified in writing within seven days of the date of filing if the application does not meet the standards (other than that described in subsection (a)(1)(A)) for approval.

"(B) If the application does not meet such standards, the notice shall include the reasons therefor and the Secretary shall provide an opportunity for the prompt resubmission of a modified application.

"(3) ISSUANCE OF CERTIFICATION.—(A) The Secretary of Labor shall make, not later than 20 days before the date such labor or services are first required to be performed, the certification described in subsection (a)(1) if—

"(i) the employer has complied with the criteria for certification (including criteria for the recruitment of eligible individuals as prescribed by the Secretary), and

"(ii) the employer does not actually have, or has not been provided with referrals of, qualified eligible individuals who have indicated their availability to perform such labor or services on the terms and conditions of a job offer which meets the requirements of the Secretary.

In considering the question of whether a specific qualification is appropriate in a job offer, the Secretary shall apply the normal and accepted qualifications required by non-H-2A-employers in the same or comparable occupations and crops.

"(B)(i) For a period of 3 years subsequent to the effective date of this section, labor certifications shall remain effective only if, from the time the foreign worker departs for the employer's place of employment, the employer will provide employment to any qualified United States worker who applies to the employer until 50 percent of the period of the work contract, under which the foreign worker who is in the job was hired, has elapsed. In addition, the employer will offer to provide benefits, wages and working conditions required pursuant to this section and regulations.

"(ii) The requirement of clause (i) shall not apply to any employer who—

"(I) did not, during any calendar quarter during the preceding calendar year, use more than 500 man-days of agricultural labor, as defined in section 3(u) of the Fair Labor Standards Act of 1938 (29 U.S.C. 203(u)),

"(II) is not a member of an association which has petitioned for certification under this section for its members, and

"(III) has not otherwise associated with other employers who are petitioning for temporary foreign workers under this section.

"(iii) Six months before the end of the 3-year period described in clause (i), the Secretary of Labor shall consider the findings of the report mandated by section 403(a)(4)(D) of the Immigration Control and Legalization Amendments Act of 1986 as well as other relevant materials, including evidence of benefits to United States workers and costs to employers, addressing the advisability of continuing a policy which requires an employer, as a condition for certification under this section, to continue to accept qualified, eligible United States workers for employment after the date the H-2A workers depart for work with the employer. The Secretary's review of such findings and materials shall lead to the issuance of findings in furtherance of the Congressional policy that aliens not be admitted under this section unless there are not sufficient workers in the United States who are able, willing, and qualified to perform the labor or service needed and that the employment of the aliens in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed. In the absence of the enactment of Federal legislation prior to three months before the end of the 3-year period described in clause (i) which addresses the subject matter of this subparagraph, the Secretary shall immediately publish the findings required by this clause, and shall promulgate, on an interim or final basis, regulations based on his findings which shall be effective no later than three years from the effective date of this section.

"(iv) In complying with clause (i) of this subparagraph, an association shall be allowed to refer or transfer workers among its members: Provided, That for purposes of this section an association acting as an agent for its members shall not be considered a joint employer merely because of such referral or transfer.

"(v) United States workers referred or transferred pursuant to clause (iv) of this subparagraph shall not be treated disparately.

"(vi) An employer shall not be liable for payments under section 655.202(b)(6) of title 20, Code of Federal Regulations (or any successor regulation) with respect to an H-2A worker who is displaced due to compliance with the requirement of this subparagraph, if the Secretary of Labor certifies that the H-2A worker was displaced because of the employer's compliance with clause (i) of this subparagraph.

"(vii)(I) No person or entity shall willfully and knowingly withhold domestic workers prior to the arrival of H-2A workers in order to force the hiring of domestic workers under clause (i).

"(II) Upon the receipt of a complaint by an employer that a violation of subclause (I) has occurred the Secretary shall immediately investigate. He shall within 36 hours of the receipt of the complaint issue findings concerning the alleged violation. Where the Secretary finds that a violation has occurred, he shall immediately suspend the application of clause (i) of this subparagraph with respect to that certification for that date of need.

"(4) HOUSING.—Employers shall furnish housing in accordance with regulations. The employer shall be permitted at the employer's option to provide housing meeting applicable Federal standards for temporary labor camps or to secure housing which meets the local standards for rental and/or public accommodations or other substantially similar class of habitation: Provided, That in the absence of applicable local standards, State standards for rental and/or public accommodations or other substantially similar class of habitation shall be met: Provided further, That in the absence of applicable local or State standards, Federal temporary labor camp standards shall apply: Provided further, That the Secretary of Labor shall issue regulations which address the specific requirements of housing for employees principally engaged in the range production of livestock: Provided further, That when it is the prevailing practice in the area and occupation of intended employment to provide family housing, family housing shall be provided to workers with families who request it: And provided further, That nothing in this paragraph shall require an employer to provide or secure housing for workers who are not entitled to it under the temporary labor certification regulations in effect on June 1, 1986.

"(d) ROLES OF AGRICULTURAL ASSOCIATIONS.—

"(1) PERMITTING FILING BY AGRICULTURAL ASSOCIATIONS.—A petition to import an alien as a temporary agricultural worker, and an application for a labor certification with respect to such a worker, may be filed by an association of agricultural producers which use agricultural services.

"(2) TREATMENT OF ASSOCIATIONS ACTING AS EMPLOYERS.—If an association is a joint or sole employer of temporary agricultural workers, the certifications granted under this section to the association may be used for the certified job opportunities of any of its producer members and such workers may be transferred among its producer members to perform agricultural services of a temporary or seasonal nature for which the certifications were granted.

"(3) TREATMENT OF VIOLATIONS.—

"(A) MEMBER'S VIOLATION DOES NOT NECESSARILY DISQUALIFY ASSOCIATION OR OTHER MEMBERS.—If an individual producer member of a joint employer association is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the member, the denial shall apply only to that member of the association unless the Secretary determines that the association or other member participated in, had knowledge of, or reason to know of, the violation.

"(B) ASSOCIATION'S VIOLATION DOES NOT NECESSARILY DISQUALIFY MEMBERS.—(i) If an association representing agricultural producers as a joint employer is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the association, the denial shall apply only to the association and does not apply to any individual producer member of the association unless the Secretary determines that the member participated in, had knowledge of, or reason to know of, the violation.

"(ii) If an association of agricultural producers certified as a sole employer is determined to have committed an act that under subsection (b)(2) results in the denial of certification with respect to the association, no individual producer member of such association may be the beneficiary of the services of temporary alien agricultural workers admitted under this section in the commodity and occupation in which such aliens were employed by the association which was denied certification during the period such denial is in force, unless such producer member employs such aliens in the commodity and occupation in question directly or through an association which is a joint employer of such workers with the producer member.

"(e) EXPEDITED ADMINISTRATIVE APPEALS OF CERTAIN DETERMINATIONS.—(1) Regulations shall provide for an expedited procedure for the review of a denial of certification under subsection (a)(1) or a revocation of such a certification or, at the applicant's request, for a de novo administrative hearing respecting the denial or revocation.

"(2) The Secretary of Labor shall expeditiously, but in no case later than 72 hours after the time a new determination is requested, make a new determination on the request for certification in the case of an H-2A worker if able, willing, and qualified eligible individuals are not actually available at the time such labor or services are required and a certification was denied in whole or in part because of the availability of qualified workers. If the employer asserts that any eligible individual who has been referred is not able, willing, or qualified, the burden of proof is on the employer to establish that the individual referred is not able, willing, or qualified because of employment-related reasons.

"(f) VIOLATORS DISQUALIFIED FOR 5 YEARS.—An alien may not be admitted to the United States as a temporary agricultural worker if the alien was admitted to the United States as such a worker within the previous five-year period and the alien during that period violated a term or condition of such previous admission.

"(g) AUTHORIZATIONS OF APPROPRIATIONS.—(1) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, $10,000,000 for the purposes—

"(A) of recruiting domestic workers for temporary labor and services which might otherwise be performed by nonimmigrants described in section 101(a)(15)(H)(ii)(a), and

"(B) of monitoring terms and conditions under which such nonimmigrants (and domestic workers employed by the same employers) are employed in the United States.

"(2) The Secretary of Labor is authorized to take such actions, including imposing appropriate penalties and seeking appropriate injunctive relief and specific performance of contractual obligations, as may be necessary to assure employer compliance with terms and conditions of employment under this section.

"(3) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, such sums as may be necessary for the purpose of enabling the Secretary of Labor to make determinations and certifications under this section and under section 212(a)(14).

"(4) There are authorized to be appropriated for each fiscal year, beginning with fiscal year 1987, such sums as may be necessary for the purposes of enabling the Secretary of Agriculture to carry out the Secretary's duties and responsibilities under this section.

"(h) MISCELLANEOUS PROVISIONS.—(1) The Attorney General shall provide for such endorsement of entry and exit documents of nonimmigrants described in section 101(a)(15)(H)(ii) as may be necessary to carry out this section and to provide notice for purposes of section 274A.

"(2) The provisions of subsections (a) and (c) of section 214 and the provisions of this section preempt any State or local law regulating admissibility of nonimmigrant workers.

"(i) DEFINITIONS.—For purposes of this section:

"(1) The term 'eligible individual' means, with respect to employment, an individual who is not an unauthorized alien (as defined in section 274A(g)) with respect to that employment.

"(2) The term 'H-2A worker' means a nonimmigrant described in section 101(a)(15)(H)(ii)(a).".

(d) EFFECTIVE DATE.—The amendments made by this section apply to petitions and applications filed under sections 214(c) and 216 of the Immigration and Nationality Act on or after the first day of the seventh month beginning after the date of the enactment of this Act (hereinafter in this section referred to as the "effective date").

(e) REGULATIONS.—The Attorney General, in consultation with the Secretary of Labor and the Secretary of Agriculture, shall approve all regulations to be issued implementing sections 101(a)(15)(H)(ii)(a) and 216 of the Immigration and Nationality Act. Notwithstanding any other provision of law, final regulations to implement such sections shall first be issued, on an interim or other basis, not later than the effective date.

(f) SENSE OF CONGRESS RESPECTING CONSULTATION WITH MEXICO.—It is the sense of Congress that the President should establish an advisory commission which shall consult with the Governments of Mexico and of other appropriate countries and advise the Attorney General regarding the operation of the alien temporary worker program established under section 216 of the Immigration and Nationality Act.

(g) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by inserting after the item relating to section 215 the following new item:

"Sec. 216. Admission of temporary H-2A workers.".

SEC. 302. LAWFUL RESIDENCE FOR CERTAIN SPECIAL AGRICULTURAL WORKERS.

(a) IN GENERAL.—(1) Chapter 1 of title II is amended by adding at the end the following new section:

"SPECIAL AGRICULTURAL WORKERS

"SEC. 210. (a) LAWFUL RESIDENCE.—

"(1) IN GENERAL.—The Attorney General shall adjust the status of an alien to that of an alien lawfully admitted for temporary residence if the Attorney General determines that the alien meets the following requirements:

"(A) APPLICATION PERIOD.—The alien must apply for such adjustment during the 18-month period beginning on the first day of the seventh month that begins after the date of enactment of this section.

"(B) PERFORMANCE OF SEASONAL AGRICULTURAL SERVICES AND RESIDENCE IN THE UNITED STATES.—The alien must establish that he has—

"(i) resided in the United States, and

"(ii) performed seasonal agricultural services in the United States for at least 90 mandays,

during the 12-month period ending on May 1, 1986. For purposes of the previous sentence, performance of seasonal agricultural services in the United States for more than one employer on any one day shall be counted as performance of services for only 1 man-day.

"(C) ADMISSIBLE AS IMMIGRANT.—The alien must establish that he is admissible to the United States as an immigrant, except as otherwise provided under subsection (c)(2).

"(2) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall adjust the status of any alien provided lawful temporary resident status under paragraph (1) to that of an alien lawfully admitted for permanent residence on the following date:

"(A) GROUP 1.—Subject to the numerical limitation established under subparagraph (C), in the case of an alien who has established, at the time of application for temporary residence under paragraph (1), that the alien performed seasonal agricultural services in the United States for at least 90 mandays during each of the 12-months periods ending on May 1, 1984, 1985, and 1986, the adjustment shall occur on the first day after the end of the one-year period that begins on the later of (I) the date the alien was granted such temporary resident status, or (II) the day after the last day of the application period described in paragraph (1)(A).

"(B) GROUP 2.—In the case of aliens to which subparagraph (A) does not apply, the adjustment shall occur on the day after the last day of the two-year period that begins on the later of (I) the date the alien was granted such temporary resident status, or (II) the day after the last day of the application period described in paragraph (1)(A).

"(C) NUMERICAL LIMITATION.—Subparagraph (A) shall not apply to more than 350,000 aliens. If more than 350,000 aliens meet the requirements of such subparagraph, such subparagraph shall apply to the 350,000 aliens whose applications for adjustment were first filed under paragraph (1) and subparagraph (B) shall apply to the remaining aliens.

"(3) TERMINATION OF TEMPORARY RESIDENCE.—During the period of temporary resident status granted an alien under paragraph (1), the Attorney General may terminate such status only upon a determination under this Act that the alien is deportable.

"(4) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—During the period an alien is in lawful temporary resident status granted under this subsection, the alien has the right to travel abroad (including commutation from a residence abroad) and shall be granted authorization to engage in employment in the United States and shall be provided an 'employment authorized' endorsement or other appropriate work permit, in the same manner as for aliens lawfully admitted for permanent residence.

"(5) IN GENERAL.—Except as otherwise provided in this subsection, an alien who acquires the status of an alien lawfully admitted for temporary residence under paragraph (1), such status not having changed, is considered to be an alien lawfully admitted for permanent residence (as described in section 101(a)(20)), other than under any provision of the immigration laws.

"(b) APPLICATIONS FOR ADJUSTMENT OF STATUS.—

"(1) TO WHOM MAY BE MADE.—

"(A) WITHIN THE UNITED STATES.—The Attorney General shall provide that applications for adjustment of status under subsection (a) may be filed—

"(i) with the Attorney General, or

"(ii) with a designated entity (designated under paragraph (2)), but only if the applicant consents to the forwarding of the application to the Attorney General.

"(B) OUTSIDE THE UNITED STATES.—The Attorney General, in cooperation with the Secretary of State, shall provide a procedure whereby an alien may apply for adjustment of status under subsection (a)(1) at an appropriate consular office outside the United States. If the alien otherwise qualifies for such adjustment, the Attorney General shall provide such documentation of authorization to enter the United States and to have the alien's status adjusted upon entry as may be necessary to carry out the provisions of this section.

"(2) DESIGNATION OF ENTITIES TO RECEIVE APPLICATIONS.—For purposes of receiving applications under this section, the Attorney General—

"(A) shall designate qualified voluntary organizations and other qualified State, local, community, farm labor organizations, and associations of agricultural employers, and

"(B) may designate such other persons as the Attorney General determines are qualified and have substantial experience, demonstrated competence, and traditional long-term involvement in the preparation and submittal of applications for adjustment of status under section 209 or 245, Public Law 89-732, or Public Law 95-145.

"(3) PROOF OF ELIGIBILITY.—

"(A) IN GENERAL.—An alien may establish that he meets the requirement of subsection (a)(1)(B)(ii) through government employment records, records supplied by employers or collective bargaining organizations, and such other reliable documentation as the alien may provide. The Attorney General shall establish special procedures to credit properly work in cases in which an alien was employed under an assumed name.

"(B) DOCUMENTATION OF WORK HISTORY.—(i) An alien applying for adjustment of status under subsection (a)(1) has the burden of proving by a preponderance of the evidence that the alien has worked the requisite number of man-days (as required under subsection (a)(1)(B)(ii)).

"(ii) If an employer or farm labor contractor employing such an alien has kept proper and adequate records respecting such employment, the alien's burden of proof under clause (i) may be met by securing timely production of those records under regulations to be promulgated by the Attorney General.

"(iii) An alien can meet such burden of proof if the alien establishes that the alien has in fact performed the work described in subsection (a)(1)(B)(ii) by producing sufficient evidence to show the extent of that employment as a matter of just and reasonable inference. In such a case, the burden then shifts to the Attorney General to disprove the alien's evidence with a showing which negates the reasonableness of the inference to be drawn from the evidence.

"(4) TREATMENT OF APPLICATIONS BY DESIGNATED ENTITIES.—Each designated entity must agree to forward to the Attorney General applications filed with it in accordance with paragraph (1)(A)(ii) but not to forward to the Attorney General applications filed with it unless the applicant has consented to such forwarding. No such entity may make a determination required by this section to be made by the Attorney General.

"(5) LIMITATION ON ACCESS TO INFORMATION.—Files and records prepared for purposes of this section by designated entities operating under this section are confidential and the Attorney General and the Service shall not have access to such files or records relating to an alien without the consent of the alien.

"(6) CONFIDENTIALITY OF INFORMATION.—Neither the Attorney General, nor any other official or employee of the Department of Justice, or bureau or agency thereof, may—

"(A) use the information furnished pursuant to an application filed under this section for any purpose other than to make a determination on the application or for enforcement of paragraph (7),

"(B) make any publication whereby the information furnished by any particular individual can be identified, or

"(C) permit anyone other than the sworn officers and employees of the Department or bureau or agency or, with respect to applications filed with a designated entity, that designated entity, to examine individual applications.

Anyone who uses, publishes, or permits information to be examined in violation of this paragraph shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

"(7) PENALTIES FOR FALSE STATEMENTS IN APPLICATIONS.—

"(A) CRIMINAL PENALTY.—Whoever—

"(i) files an application for adjustment of status under this section and knowingly and willfully falsifies, conceals, or covers up a material fact or makes any false, fictitious, or fraudulent statements or representations, or makes or uses any false writing or document knowing the same to contain any false, fictitious, or fraudulent statement or entry, or

"(ii) creates or supplies a false writing or document for use in making such an application,

shall be fined in accordance with title 18, United States Code, or imprisoned not more than five years, or both.

"(B) EXCLUSION.—An alien who is convicted of a crime under subparagraph (A) shall be considered to be inadmissible to the United States on the ground described in section 212(a)(19).

"(c) WAIVER OF NUMERICAL LIMITATIONS AND CERTAIN GROUNDS FOR EXCLUSION.—

"(1) NUMERICAL LIMITATIONS DO NOT APPLY.—The numerical limitations of sections 201 and 202 shall not apply to the adjustment of aliens to lawful permanent resident status under this section.

"(2) WAIVER OF GROUNDS FOR EXCLUSION.—In the determination of an alien's admissibility under subsection (a)(1)(C)—

"(A) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not apply.

"(B) WAIVER OF OTHER GROUNDS.—

"(i) IN GENERAL.—Except as provided in clause (ii), the Attorney General may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(ii) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of section 212(a) may not be waived by the Attorney General under clause (i):

"(I) Paragraph (9) and (10) (relating to criminals).

"(II) Paragraph (15) (relating to aliens likely to become public charges).

"(III) Paragraph (23) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana.

"(IV) Paragraphs (27), (28), and (29) (relating to national security and members of certain organizations).

"(V) Paragraph (33) (relating to those who assisted in the Nazi persecutions).

"(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

"(d) TEMPORARY STAY OF EXCLUSION OR DEPORTATION AND WORK AUTHORIZATION FOR CERTAIN APPLICANTS.—

"(1) BEFORE APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who is apprehended before the beginning of the application period described in subsection (a)(1) and who can establish a nonfrivolous case of eligibility to have his status adjusted under subsection (a) (but for the fact that he may not apply for such adjustment until the beginning of such period), until the alien has had the opportunity during the first 30 days of the application period to complete the filing of an application for adjustment, the alien—

"(A) may not be excluded or deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(2) DURING APPLICATION PERIOD.—The Attorney General shall provide that in the case of an alien who presents a nonfrivolous application for adjustment of status under subsection (a) during the application period, and until a final determination on the application has been made in accordance with this section, the alien—

"(A) may not be excluded or deported, and

"(B) shall be granted authorization to engage in employment in the United States and be provided an 'employment authorized' endorsement or other appropriate work permit.

"(e) ADMINISTRATIVE AND JUDICIAL REVIEW.—

"(1) ADMINISTRATIVE AND JUDICIAL REVIEW.—There shall be no administrative or judicial review of a determination respecting an application for adjustment of status under this section except in accordance with this subsection.

"(2) ADMINISTRATIVE REVIEW.—

"(A) SINGLE LEVEL OF ADMINISTRATIVE APPELLATE REVIEW.—The Attorney General shall establish an appellate authority to provide for a single level of administrative appellate review of such a determination.

"(B) STANDARD FOR REVIEW.—Such administrative appellate review shall be based solely upon the administrative record established at the time of the determination on the application and upon such additional or newly discovered evidence as may not have been available at the time of the determination.

"(3) JUDICIAL REVIEW.—

"(A) LIMITATION TO REVIEW OF EXCLUSION OR DEPORTATION.—There shall be judicial review of such a denial only in the judicial review of an order of exclusion or deportation under section 106.

"(B) STANDARD FOR JUDICIAL REVIEW.—Such judicial review shall be based solely upon

the administrative record established at the time of the review by the appellate authority and the findings of fact and determinations contained in such record shall be conclusive unless the applicant can establish abuse of discretion or that the findings are directly contrary to clear and convincing facts contained in the record considered as a whole.

"(f) TEMPORARY DISQUALIFICATION OF NEWLY LEGALIZED ALIENS FROM RECEIVING AID TO FAMILIES WITH DEPENDENT CHILDREN.—During the five-year period beginning on the date an alien was granted lawful temporary resident status under subsection (a), and notwithstanding any other provision of law, the alien is not eligible for aid under a State plan approved under part A of title IV of the Social Security Act. Notwithstanding the previous sentence, in the case of an alien who would be eligible for aid under a State plan approved under part A of title IV of the Social Security Act but for the previous sentence, the provisions of paragraph (3) of section 245A(h) shall apply in the same manner as they apply with respect to paragraph (1) of such section and, for this purpose, any reference in section 245A(h)(3) to paragraph (1) is deemed a reference to the previous sentence.

"(g) TREATMENT OF SPECIAL AGRICULTURAL WORKERS.—For all purposes (subject to subsections (b)(3) and (f)) an alien whose status is adjusted under this section to that of an alien lawfully admitted for permanent residence, such status not having changed, shall be considered to be an alien lawfully admitted for permanent residence (within the meaning of section 101(a)(20)).

"(h) SEASONAL AGRICULTURAL SERVICES DEFINED.—In this section, the term 'seasonal agricultural services' means the performance of field work related to planting, cultural practices, cultivating, growing and harvesting of fruits and vegetables of every kind and other perishable commodities, as defined in regulations by the Secretary of Agriculture.".

(2) The table of contents is amended by inserting after the item relating to section 209 the following new item:

"Sec. 210. Special agricultural workers.".

(b) CONFORMING AMENDMENTS.—(1) Section 402(f) of the Social Security Act (as added by section 201(b)(1) of this Act) is amended—

(A) by inserting "and subsection (f) of section 210 of such Act" before the period at the end of paragraph (1);

(B) by inserting "or (f)" after "such subsection (h)" in paragraph (2); and

(C) by inserting "or 210" after "such section 245A" in paragraph (2).

(2) The last sentence of section 472(a) of such Act (as added by section 201(b)(2)(A) of this Act) is amended by inserting "or 210(f)" after "245A(h)".

SEC. 303. DETERMINATIONS OF AGRICULTURAL LABOR SHORTAGES AND ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS.

(a) IN GENERAL.—Chapter 1 of title II is amended by adding after section 210 (added by section 302 of this title) the following new section:

"DETERMINATION OF AGRICULTURAL LABOR SHORTAGES AND ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS

"SEC. 210A. (a) DETERMINATION OF NEED TO ADMIT ADDITIONAL SPECIAL AGRICULTURAL WORKERS.—

"(1) IN GENERAL.—Before the beginning of each fiscal year (beginning with fiscal year 1990 and ending with fiscal year 1993), the Secretaries of Labor and Agriculture (in this section referred to as the 'Secretaries') shall jointly determine the number (if any) of additional aliens who should be admitted to the United States or who should otherwise acquire the status of aliens lawfully admitted for temporary residence under this section during the fiscal year to meet a shortage of workers to perform seasonal agricultural services in the United States during the year. Such number is, in this section, referred to as the 'shortage number'.

"(2) OVERALL DETERMINATION.—The shortage number is—

"(A) the anticipated need for special agricultural workers (as determined under paragraph (4)) for the fiscal year, minus

"(B) the supply of such workers (as determined under paragraph (5)) for that year,

divided by the factor (determined under paragraph (6)) for man-days per worker.

"(3) NO REPLENISHMENT IF NO SHORTAGE.—In determining the shortage number, the Secretaries may not determine that there is a shortage unless, after considering all of the criteria set forth in paragraphs (4) and (5), the Secretaries determine that there will not be sufficient able, willing, and qualified workers available to perform seasonal agricultural services required in the fiscal year involved.

"(4) DETERMINATION OF NEED.—For purposes of paragraph (2)(A), the anticipated need for special agricultural workers for a fiscal year is determined as follows:

"(A) BASE.—The Secretaries shall jointly estimate, using statistically valid methods, the number of man-days of labor performed in seasonal agricultural services in the United States in the previous fiscal year.

"(B) ADJUSTMENT FOR CROP LOSSES AND CHANGES IN INDUSTRY.—The Secretaries shall jointly—

"(i) increase such number by the number of man-days of labor in seasonal agricultural services in the United States that would have been needed in the previous fiscal year to avoid any crop damage or other loss that resulted from the unavailability of labor, and

"(ii) adjust such number to take into account the projected growth or contraction in the requirements for seasonal agricultural services as a result of—

"(I) growth or contraction in the seasonal agriculture industry, and

"(II) the use of technologies and personnel practices that affect the need for, and retention of, workers to perform such services.

"(5) DETERMINATION OF SUPPLY.—For purposes of paragraph (2)(B), the anticipated supply of special agricultural workers for a fiscal year is determined as follows:

"(A) BASE.—The Secretaries shall use the number estimated under paragraph (4)(A).

"(B) ADJUSTMENT FOR RETIREMENTS AND INCREASED RECRUITMENT.—The Secretaries shall jointly—

"(i) decrease such number by the number of man-days of labor in seasonal agricultural services in the United States that will be lost due to retirement and movement of workers out of performance of seasonal agricultural services, and

"(ii) increase such number by the number of additional man-days of labor in seasonal agricultural services in the United States that can reasonably be expected to result from the availability of able, willing, qualified, and unemployed special agricultural workers, rural low skill, or manual, laborers, and domestic agricultural workers.

"(C) BASES FOR INCREASED NUMBER.—In making the adjustment under subparagraph (B)(ii), the Secretaries shall consider—

"(i) the effect, if any, that improvements in wages and working conditions offered by employers will have on the availability of workers to perform seasonal agricultural services, taking into account the adverse effect, if any, of such improvements in wages and working conditions on the economic competitiveness of the perishable agricultural industry,

"(ii) the effect, if any, of enhanced recruitment efforts by the employers of such workers and government employment services in the traditional and expected areas of supply of such workers, and

"(iii) the number of able, willing and qualified individuals who apply for employment opportunities in seasonal agricultural services listed with offices of government employment services.

"(D) CONSTRUCTION.—Nothing in this subsection shall be deemed to require any individual employer to pay any specified level of wages, to provide any specified working conditions, or to provide for any specified recruitment of workers.

"(6) DETERMINATION OF MAN-DAY PER WORKER FACTOR.—

"(A) FISCAL YEAR 1990.—For fiscal year 1990—

"(i) IN GENERAL.—Subject to clause (ii), for purposes of paragraph (2) the factor under this paragraph is the average number, as estimated by the Director of the Bureau of the Census under subsection (b)(3)(A)(ii), of man-days of seasonal agricultural services performed in the United States in fiscal year 1989 by special agricultural workers whose status is adjusted under section 210 and who performed seasonal agricultural services in the United States at any time during the fiscal year.

"(ii) LACK OF ADEQUATE INFORMATION.—If the Director determines that—

"(I) the information reported under subsection (b)(2)(A) is not adequate to make a reasonable estimate of the average number described in clause (i), but

"(II) the inadequacy of the information is not due to the refusal or failure of employers to report the information required under subsection (b)(2)(A),

the factor under this paragraph is 90.

"(B) FISCAL YEAR 1991.—For purposes of paragraph (2) for fiscal year 1991, the factor under this paragraph is the average number, as estimated by the Director of the Bureau of the Census under subsection (b)(3)(A)(ii), of man-days of seasonal agricultural services performed in the United States in fiscal year 1990 by special agricultural workers who obtained lawful temporary resident status under this section.

"(C) FISCAL YEARS 1992 AND 1993.—For purposes of paragraph (2) for fiscal years 1992 and 1993, the factor under this paragraph is the average number, as estimated by the Director of the Bureau of the Census under subsection (b)(3)(A)(ii), of man-days of seasonal agricultural services performed in the United States in each of the two previous fiscal years by special agricultural workers who obtained lawful temporary resident status under this section during either of such fiscal years.

"(7) EMERGENCY PROCEDURE FOR INCREASE IN SHORTAGE NUMBER.—

"(A) REQUESTS.—After the beginning of a fiscal year, a group or association representing employers (and potential employers) of individuals who perform seasonal agricultural services may request the Secretaries to increase the shortage number for the fiscal year based upon a showing that extraordinary, unusual, and unforeseen circumstances have resulted in a significant increase in the shortage number due to (i) a

significant increase in the need for special agricultural workers in the year, (ii) a significant decrease in the availability of able, willing, and qualified workers to perform seasonal agricultural services, or (iii) a significant decrease (below the factor used for purposes of paragraph (6)) in the number of man-days of seasonal agricultural services performed by aliens who were recently admitted (or whose status was recently adjusted) under this section.

"(B) NOTICE OF EMERGENCY PROCEDURE.—Not later than 3 days after the date the Secretaries receive a request under subparagraph (A), the Secretaries shall provide for notice in the Federal Register of the substance of the request and shall provide an opportunity for interested parties to submit information to the Secretaries on a timely basis respecting the request.

"(C) PROMPT DETERMINATION ON REQUEST.—The Secretaries, not later than 21 days after the date of the receipt of such a request and after consideration of any information submitted on a timely basis with respect to the request, shall make and publish in the Federal Register their determination on the request. The request shall be granted, and the shortage number for the fiscal year shall be increased, to the extent that the Secretaries determine that such an increase is justified based upon the showing and circumstances described in subparagraph (A) and that such an increase takes into account reasonable recruitment efforts having been undertaken.

"(8) PROCEDURE FOR DECREASING MAN-DAYS OF SEASONAL AGRICULTURAL SERVICES REQUIRED IN THE CASE OF OVER-SUPPLY OF WORKERS.—

"(A) REQUESTS.—After the beginning of a fiscal year, a group of special agricultural workers may request the Secretaries to decrease the number of man-days required under subparagraphs (A) and (B) of subsection (d)(2) with respect to the fiscal year based upon a showing that extraordinary, unusual, and unforeseen circumstances have resulted in a significant decrease in the shortage number due to (i) a significant decrease in the need for special agricultural workers in the year, (ii) a significant increase in the availability of able, willing, and qualified workers to perform seasonal agricultural services, or (iii) a significant increase (above the factor used for purposes of paragraph (6)) in the number of man-days of seasonal agricultural services performed by aliens who were recently admitted (or whose status was recently adjusted) under this section.

"(B) NOTICE OF REQUEST.—Not later than 3 days after the date the Secretaries receive a request under subparagraph (A), the Secretaries shall provide for notice in the Federal Register of the substance of the request and shall provide an opportunity for interested parties to submit information to the Secretaries on a timely basis respecting the request.

"(C) DETERMINATION ON REQUEST.—The Secretaries, before the end of the fiscal year involved and after consideration of any information submitted on a timely basis with respect to the request, shall make and publish in the Federal Register their determination on the request. The request shall be granted, and the number of man-days specified in subparagraphs (A) and (B) of subsection (d)(2) for the fiscal year shall be reduced by the same proportion as the Secretaries determine that a decrease in the shortage number is justified based upon the showing and circumstances described in subparagraph (A).

"(b) ANNUAL NUMERICAL LIMITATION ON ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS.—

"(1) ANNUAL NUMERICAL LIMITATION.—

"(A) FISCAL YEAR 1990.—The numerical limitation on the number of aliens who may be admitted under subsection (c)(1) or who otherwise may acquire lawful temporary residence under such subsection for fiscal year 1990 is—

"(i) 95 percent of the number of individuals whose status was adjusted under section 210(a), minus

"(ii) the number estimated under paragraph (3)(A)(i) for fiscal year 1989 (as adjusted in accordance with subparagraph (C)).

"(B) FISCAL YEARS 1991, 1992, AND 1993.—The numerical limitation on the number of aliens who may be admitted under subsection (c)(1) or who otherwise may acquire lawful temporary residence under such subsection for fiscal years 1991, 1992, or 1993 is—

"(i) 90 percent of the number described in this clause for the previous fiscal year (or, for fiscal year 1991, the number described in subparagraph (A)(i)), minus

"(ii) the number estimated under paragraph (3)(A)(i) for the previous fiscal year (as adjusted in accordance with subparagraph (C)).

"(C) ADJUSTMENT TO TAKE INTO ACCOUNT CHANGE IN NUMBER OF H-2 AGRICULTURAL WORKERS.—The number used under subparagraph (A)(ii) or (B)(ii) (as the case may be) shall be increased or decreased to reflect any numerical increase or decrease, respectively, in the number of aliens admitted to perform temporary seasonal agricultural services (as defined in subsection (g)(2)) under section 101(a)(15)(H)(ii)(a) in the fiscal year compared to such number in the previous fiscal year.

"(2) REPORTING OF INFORMATION ON EMPLOYMENT.—In the case of a person or entity who employs, during a fiscal year (beginning with fiscal year 1989 and ending with fiscal year 1992) in seasonal agricultural services, a special agricultural worker—

"(A) whose status was adjusted under section 210, the person or entity shall furnish an official designated by the Secretaries with a certificate (at such time, in such form, and containing such information as the Secretaries establish, after consultation with the Attorney General and the Director of the Bureau of the Census) of the number of man-days of employment performed by the alien in seasonal agricultural services during the fiscal year, or

"(B) who was admitted or whose status was adjusted under this section, the person or entity shall furnish the alien and an official designated by the Secretaries with a certificate (at such time, in such form, and containing such information as the Secretaries establish, after consultation with the Attorney General and the Director of the Bureau of the Census) of the number of man-days of employment performed by the alien in seasonal agricultural services during the fiscal year.

"(3) ANNUAL ESTIMATE OF EMPLOYMENT OF SPECIAL AGRICULTURAL WORKERS.—

"(A) IN GENERAL.—The Director of the Bureau of the Census shall, before the end of each fiscal year (beginning with fiscal year 1989 and ending with fiscal year 1992), estimate—

"(i) the number of special agricultural workers who have performed seasonal agricultural services in the United States at any time during the fiscal year, and

"(ii) for purposes of subsection (a)(5), the average number of man-days of such services certain of such workers have performed in the United States during the fiscal year.

"(B) FURNISHING OF INFORMATION TO DIRECTOR.—The offical designated by the Secretaries under paragraph (2) shall furnish to the Director, in such form and manner as the Director specifies, information contained in the certifications furnished to the official under paragraph (2).

"(C) BASIS FOR ESTIMATES.—The Director shall base the estimates under subparagraph (A) on the information furnished under subparagraph (B), but shall take into account (to the extent feasible) the underreporting or duplicate reporting of special agricultural workers who have performed seasonal agricultural services at any time during the fiscal year. The Director shall periodically conduct appropriate surveys, of agricultural employers and others, to ascertain the extent of such underreporting or duplicate reporting.

"(D) REPORT.—The Director shall annually prepare and report to the Congress information on the estimates made under this paragraph.

"(c) ADMISSION OF ADDITIONAL SPECIAL AGRICULTURAL WORKERS.—

"(1) IN GENERAL.—For each fiscal year (beginning with fiscal year 1990 and ending with fiscal year 1993), the Attorney General shall provide for the admission for lawful temporary resident status, or for the adjustment of status to lawful temporary resident status, of a number of aliens equal to the shortage number (if any, determined under subsection (a)) for the fiscal year, or, if less, the numerical limitation established under subsection (b)(1) for the fiscal year. No such alien shall be admitted who is not admissible to the United States as an immigrant, except as otherwise provided under subsection (e).

"(2) ALLOCATION OF VISAS.—The Attorney General shall, in consultation with the Secretary of State, provide such process as may be appropriate for aliens to petition for immigrant visas or to adjust status to become aliens lawfully admitted for temporary residence under this subsection. No alien may be issued a visa as an alien to be admitted under this subsection or may have the alien's status adjusted under this subsection unless the alien has had a petition approved under this paragraph.

"(d) RIGHTS OF ALIENS ADMITTED OR ADJUSTED UNDER THIS SECTION.—

"(1) ADJUSTMENT TO PERMANENT RESIDENCE.—The Attorney General shall adjust the status of any alien provided lawful temporary resident status under subsection (c) to that of an alien lawfully admitted for permanent residence at the end of the 3-year period that begins on the date the alien was granted such temporary resident status.

"(2) TERMINATION OF TEMPORARY RESIDENCE.—During the period of temporary resident status granted an alien under subsection (c), the Attorney General may terminate such status only upon a determination under this Act that the alien is deportable.

"(3) AUTHORIZED TRAVEL AND EMPLOYMENT DURING TEMPORARY RESIDENCE.—During the period an alien is in lawful temporary resident status granted under this section, the alien has the right to travel abroad (including commutation from a residence abroad) and shall be granted authorization to engage in employment in the United States and shall be provided an 'employment authorized' endorsement or other appropriate work permit, in the same manner as for aliens lawfully admitted for permanent residence.

"(4) IN GENERAL.—Except as otherwise provided in this subsection, an alien who ac-

quires the status of an alien lawfully admitted for temporary residence under subsection (c), such status not having changed, is considered to be an alien lawfully admitted for permanent residence (as described in section 101(a)(20)), other than under any provision of the immigration laws.

"(5) EMPLOYMENT IN SEASONAL AGRICULTURAL SERVICES REQUIRED.—

"(A) FOR 3 YEARS TO AVOID DEPORTATION.—In order to meet the requirement of this paragraph (for purposes of this subsection and section 241(a)(20)), an alien, who has obtained the status of an alien lawfully admitted for temporary residence under this section, must establish to the Attorney General that the alien has performed 90 man-days of seasonal agricultural services—

"(i) during the one-year period beginning on the date the alien obtained such status,

"(ii) during the one-year period beginning one year after the date the alien obtained such status, and

"(iii) during the one-year period beginning two years after the date the alien obtained such status.

"(B) FOR 5 YEARS FOR NATURALIZATION.—Notwithstanding any provision in title III, an alien admitted under this section may not be naturalized as a citizen of the United States under that title unless the alien has performed 90 man-days of seasonal agricultural services in each of 5 fiscal years (not including any fiscal year before the fiscal year in which the alien was admitted under this section).

"(C) PROOF.—In meeting the requirements of subparagraphs (A) and (B), an alien may submit such documentation as may be submitted under section 210(b)(3).

"(D) ADJUSTMENT OF NUMBER OF MAN-DAYS REQUIRED.—The number of man-days specified in subparagraphs (A) and (B) are subject to adjustment under subsection (a)(8).

"(7) DISQUALIFICATION FROM CERTAIN PUBLIC ASSISTANCE.—The provisions of section 245A(h) (other than paragraph (1)(A)(iii)) shall apply to an alien who has obtained the status of an alien lawfully admitted for temporary residence under this section, during the five-year period beginning on the date the alien obtained such status, in the same manner as they apply to an alien granted lawful temporary residence under section 245A; except that, for purposes of this paragraph, assistance furnished under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.) or under title V of the Housing Act of 1949 (42 U.S.C. 1471 et seq.) shall not be construed to be financial assistance described in section 245A(h)(1)(A)(i).

"(e) DETERMINATION OF ADMISSIBILITY OF ADDITIONAL WORKERS.—In the determination of an alien's admissibility under subsection (c)(1)—

"(1) GROUNDS OF EXCLUSION NOT APPLICABLE.—The provisions of paragraphs (14), (20), (21), (25), and (32) of section 212(a) shall not apply.

"(2) WAIVER OF CERTAIN GROUNDS FOR EXCLUSION.—

"(A) IN GENERAL.—Except as provided in subparagraph (B), the Attorney General may waive any other provision of section 212(a) in the case of individual aliens for humanitarian purposes, to assure family unity, or when it is otherwise in the public interest.

"(B) GROUNDS THAT MAY NOT BE WAIVED.—The following provisions of section 212(a) may not be waived by the Attorney General under subparagraph (A):

"(i) Paragraphs (9) and (10) (relating to criminals).

"(ii) Paragraph (23) (relating to drug offenses), except for so much of such paragraph as relates to a single offense of simple possession of 30 grams or less of marihuana.

"(iii) Paragraphs (27), (28), and (29) (relating to national security and members of certain organizations).

"(iv) Paragraph (33) (relating to those who assisted in the Nazi persecutions).

"(C) SPECIAL RULE FOR DETERMINATION OF PUBLIC CHARGE.—An alien is not ineligible for adjustment of status under this section due to being inadmissible under section 212(a)(15) if the alien demonstrates a history of employment in the United States evidencing self-support without reliance on public cash assistance.

"(3) MEDICAL EXAMINATION.—The alien shall be required, at the alien's expense, to undergo such a medical examination (including a determination of immunization status) as is appropriate and conforms to generally accepted professional standards of medical practice.

"(f) TERMS OF EMPLOYMENT RESPECTING ALIENS ADMITTED UNDER THIS SECTION.—

"(1) EQUAL TRANSPORTATION FOR DOMESTIC WORKERS.—If a person employs an alien, who was admitted or whose status is adjusted under subsection (c), in the performance of seasonal agricultural services and provides transportation arrangements or assistance for such workers, the employer must provide the same transportation arrangements or assistance (generally comparable in expense and scope) for other individuals employed in the performance of seasonal agricultural services.

"(2) PROHIBITION OF FALSE INFORMATION BY CERTAIN EMPLOYERS.—A farm labor contractor, agricultural employer, or agricultural association who is an exempt person (as defined in paragraph (5)) shall not knowingly provide false or misleading information to an alien who was admitted or whose status was adjusted under subsection (c) concerning the terms, conditions, or existence of agricultural employment (described in subsection (a), (b), or (c) of section 301 of MASAWPA).

"(3) PROHIBITION OF DISCRIMINATION BY CERTAIN EMPLOYERS.—In the case of an exempt person and with respect to aliens who have been admitted or whose status has been adjusted under subsection (c), the provisions of section 505 of MASAWPA shall apply to any proceeding under or related to (and rights and protections afforded by) this section in the same manner as they apply to proceedings under or related to (and rights and protections afforded by) MASAWPA.

"(4) ENFORCEMENT.—If a person or entity—

"(A) fails to furnish a certificate required under subsection (b)(2) or furnishes false statement of a material fact in such a certificate,

"(B) violates paragraph (1) or (2), or

"(C) violates the provisions of section 505(a) of MASAWPA (as they apply under paragraph (3)),

the person or entity is subject to a civil money penalty under section 503 of MASAWPA in the same manner as if the person or entity had committed a violation of MASAWPA.

"(5) SPECIAL DEFINITIONS.—In this subsection:

"(A) MASAWPA.—The term 'MASAWPA' means the Migrant and Seasonal Agricultural Worker Protection Act (Public Law 97-470).

"(B) The term 'exempt person' means a person or entity who would be subject to the provisions of MASAWPA but for paragraph (1) or (2), or both, of section 4(a) of MASAWPA.

"(g) GENERAL DEFINITIONS.—In this section:

"(1) The term 'special agricultural worker' means an individual, regardless of present status, whose status was at any time adjusted under section 210 or who at any time was admitted or had the individual's status adjusted under subsection (c).

"(2) The term 'seasonal agricultural services' has the meaning given such term in section 210(h).

"(3) The term 'Director' refers to the Director of the Bureau of the Census.

"(4) The term 'man-day' means, with respect to seasonal agricultural services, the performance during a calendar day of at least 4 hours of seasonal agricultural services.".

(b) DEPORTATION OF CERTAIN WORKERS WHO FAIL TO PERFORM SEASONAL AGRICULTURAL SERVICES.—Section 241(a) (8 U.S.C. 1251(a)) is amended—

(1) by striking out "or" at the end of paragraph (18),

(2) by striking out the period at the end of paragraph (19) and inserting in lieu thereof "; or", and

(3) by adding at the end the following new paragraph:

"(20) obtains the status of an alien who becomes lawfully admitted for temporary residence under section 210A and fails to meet the requirement of section 210A(d)(6)(A) by the end of the applicable period.".

(c) APPLICATION OF CERTAIN STATE ASSISTANCE PROVISIONS.—For purposes of section 204 of this Act (relating to State legalization assistance), the term "eligible legalized alien" includes an alien who becomes an alien lawfully admitted for permanent or temporary residence under section 210 or 210A of the Immigration and Nationality Act, but only until the end of the 5-year period beginning on the date the alien was first granted permanent or temporary resident status.

(d) CLERICAL AMENDMENT.—The table of contents is amended by inserting after the item relating to section 210 (as inserted by section 302) the following new item:

"Sec. 210A. Determination of agricultural labor shortages and admission of additional special agricultural workers.".

(e) CONFORMING AMENDMENTS.—(1) Section 402(f) of the Social Security Act (as added by section 201(b)(1) of this Act and amended by section 302(b)(1) of this Act) is further amended—

(A) by striking out "and subsection (f) of section 210 of such Act" in paragraph (1) and inserting in lieu thereof ", subsection (f) of section 210 of such Act, and subsection (d)(7) of section 210A of such Act";

(B) by striking out "such subsection (h) or (f)" in paragraph (2) and inserting in lieu thereof "such subsection (h), (f), or (d)(7)"; and

(C) by striking out "such section 245A or 210" in paragraph (2) and inserting in lieu thereof "such section 245A, 210, or 210A".

(2) The last sentence of section 472(a) of such Act (as added by section 201(b)(2)(A) of this Act and amended by section 302(b)(2) of this Act) is further amended by striking out "245A(h) or 210(f)" and inserting in lieu thereof "245A(h), 210(f), or 210A(d)(7)".

SEC. 304. COMMISSION ON AGRICULTURAL WORKERS.

(a) ESTABLISHMENT AND COMPOSITION OF COMMISSION.—(1) There is established a Commission on Agricultural Workers (herein-

after in this section referred to as the "Commission"), to be composed of 12 members—

(A) six to be appointed by the President,

(B) three to be appointed by the Speaker of the House of Representatives, and

(C) three to be appointed by the President pro tempore of the Senate.

(2) In making appointments under paragraph (1)(A), the President shall consult—

(A) with the Attorney General in appointing two members,

(B) with the Secretary of Labor in appointing two members, and

(C) with the Secretary of Agriculture in appointing two members.

(3) A vacancy in the Commission shall be filled in the same manner in which the original appointment was made.

(4) Members shall be appointed to serve for the life of the Commission.

(b) FUNCTIONS OF COMMISSION.—(1) The Commission shall review the following:

(A) The impact of the special agricultural worker provisions on the wages and working conditions of domestic farmworkers, on the adequacy of the supply of agricultural labor, and on the ability of agricultural workers to organize.

(B) The extent to which aliens who have obtained lawful permanent or temporary resident status under the special agricultural worker provisions continue to perform seasonal agricultural services and the requirement that aliens who become special agricultural workers under section 210A of the Immigration and Nationality Act perform 60 man-days of seasonal agricultural services for certain periods in order to avoid deportation or to become naturalized.

(C) The impact of the legalization program and the employers' sanctions on the supply of agricultural labor.

(D) The extent to which the agricultural industry relies on the employment of a temporary workforce.

(E) The adequacy of the supply of agricultural labor in the United States and whether this supply needs to be further supplemented with foreign labor and the appropriateness of the numerical limitation on additional special agricultural workers imposed under section 210A(b) of the Immigration and Nationality Act.

(F) The extent of unemployment and underemployment of farmworkers who are United States citizens or aliens lawfully admitted for permanent residence.

(G) The extent to which the problems of agricultural employers in securing labor are related to the lack of modern labor-management techniques in agriculture.

(H) Whether certain geographic regions need special programs or provisions to meet their unique needs for agricultural labor.

(I) Impact of the special agricultural worker provisions on the ability of crops harvested in the United States to compete in international markets.

(2) The Commission shall conduct an overall evaluation of the special agricultural worker provisions, including the process for determining whether or not an agricultural labor shortage exists.

(c) REPORT TO CONGRESS.—The Commission shall report to the Congress not later than five yecrs after the date of the enactment of this Act on its reviews under subsection (b). The Commission shall include in its report recommendations for appropriate changes that should be made in the special agricultural worker provisions.

(d) COMPENSATION OF MEMBERS.—(1) Each member of the Commission who is not an officer or employee of the Federal Government is entitled to receive, subject to such amounts as are provided in advance in appropriations Acts, the daily equivalent of the minimum annual rate of basic pay in effect for grade GS-18 of the General Schedule for each day (including traveltime) during which the member is engaged in the actual performance of duties of the Commission. Each member of the Commission who is such an officer or employee shall serve without additional pay.

(2) While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(e) MEETINGS OF COMMISSION.—(1) Five members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) The Chairman and the Vice Chairman of the Commission shall be elected by the members of the Commission for the life of the Commission.

(3) The Commission shall meet at the call of the Chairman or a majority of its members.

(f) STAFF.—(1) The Chairman, in accordance with rules agreed upon by the Commission, may appoint and fix the compensation of a staff director and such other additional personnel as may be necessary to enable the Commission to carry out its functions, without regard to the laws, rules, and regulations governing appointment in the competitive service. Any Federal employee subject to those laws, rules, and regulations may be detailed to the Commission without reimbursement, and such detail shall be without interruption or loss of civil service status or privilege.

(2) The Commission may procure temporary and intermittent services under section 3109(b) of title 5, United States Code, but at rates for individuals not to exceed the daily equivalent of the minimum annual rate of basic pay payable for GS-18 of the General Schedule.

(g) AUTHORITY OF COMMISSION.—(1) The Commission may for the purpose of carrying out this section, hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission considers appropriate.

(2) The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out this section. Upon request of the Chairman, the head of such department or agency shall furnish such information to the Commission.

(3) The Commission may accept, use, and dispose of gifts or donations of services or property.

(4) The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(5) The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) AUTHORIZATION OF APPROPRIATIONS.—(1) There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

(2) Notwithstanding any other provision of this section, the authority to make payments, or to enter into contracts, under this section shall be effective only to such extent, or in such amounts, as are provided in advance in appropriations Acts.

(i) TERMINATION DATE.—The Commission shall cease to exist at the end of the 63-month period beginning with the month after the month in which this Act is enacted.

(j) DEFINITIONS.—In this section:

(1) The term "employer sanctions" means the provisions of section 274A of the Immigration and Nationality Act.

(2) The term "legalization program" refers to the provisions of section 245A of the Immigration and Nationality Act.

(3) The term "seasonal agricultural services" has the meaning given such term in section 210(h) of the Immigration and Nationality Act.

(4) The term "special agricultural worker provisions" refers to sections 210 and 210A of the Immigration and Nationality Act.

SEC. 305. ELIGIBILITY OF CERTAIN AGRICULTURAL WORKERS FOR LEGAL ASSISTANCE.

A nonimmigrant worker admitted to or permitted to remain in the United States for agricultural labor or service shall be considered to be an alien described in section 101(a)(20) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(20)) for purposes of establishing eligibility for legal assistance under the Legal Services Corporation Act (42 U.S.C. 2996 et seq.).

PART B—OTHER CHANGES IN THE IMMIGRATION LAW

SEC. 311. CHANGE IN COLONIAL QUOTA.

(a) INCREASE TO 5,000.—(1) Section 202(c) (8 U.S.C. 1152(c)) is amended by striking out "six hundred" and inserting in lieu thereof "5,000".

(2) Section 202(e) (8 U.S.C. 1152(e)) is amended by striking out "600" and inserting in lieu thereof "5,000".

(b) EFFECTIVE DATE.—The amendments made by subsection (a) shall apply to fiscal years beginning after the date of the enactment of this Act.

SEC. 312. STUDENTS.

(a) REQUIRING TWO-YEAR FOREIGN RESIDENCE FOR MOST FOREIGN STUDENTS.—Section 212(e) (8 U.S.C. 1182(e)) is amended—

(1) by striking out "(e) No person" and inserting in lieu thereof "(e)(1) No person (A)",

(2) by inserting after "training," the following: "or (B) except as provided in paragraph (2), admitted under subparagraph (F) or (M) of section 101(a)(15) or acquiring such status after admission,",

(3) by striking out "clause (iii)" in the second proviso and inserting in lieu thereof "clause (A)(iii) or clause (B) of paragraph (1)",

(4) by striking out ": Provided, That upon" and inserting in lieu thereof ". Upon",

(5) by striking out ": And provided further, That except" and inserting in lieu thereof ". Except", and

(6) by designating the second and third sentences (as so amended) as paragraphs (2) and (3), respectively,

(7) by adding at the end the following new paragraphs:

"(4) The Attorney General may waive such two-year foreign residence requirement in the case of an alien described in clause (B) of paragraph (1) who is an immediate relative (as specified in section 201(b)).

"(5) The Attorney General, in the case of an alien described in clause (B) of paragraph (1) who has the status of a nonimmigrant under section 101(a)(15)(F), may waive such two-year foreign residence requirement if the Attorney General determines that the waiver is in the public interest and that the alien—

"(A) is applying for a visa as an immigrant described in paragraph (3) or (6) of

section 203(a) and meets the requirements of paragraph (6), or

"(B) is applying for a visa as a nonimmigrant described in section 101(a)(15)(H)(iii) and meets the requirements of paragraph (7).

"(6) An alien meets the requirements of this paragraph if the alien—

"(A) is admitted to the United States under section 101(a)(15)(F) before October 1, 1992, and

"(B) has obtained—

"(i) has obtained an advanced degree from a college or university in the United States and has been offered a position on the faculty (including as a researcher) of a college or university in the United States in the field in which he obtained the degree,

"(ii) a degree in a natural science, mathematics, computer science, or an engineering field from a college or university in the United States and has been offered a research, business, or technical position by a employer in the field in which he obtained the degree, or

"(iii) an advanced degree in business or economics from a college or university in the United States, has exceptional ability in business or economics, and has been offered a research, business, or technical position by a United States employer which requires such exceptional ability,

and has received a certification under section 212(a)(14) with respect to the position.

"(7) An alien meets the requirements of this paragraph if the alien—

"(A) has obtained a degree in a natural science, mathematics, computer science, or an engineering or business field;

"(B) will receive no more than four years of training by a firm, corporation, or other legal entity in the United States, which training will enable the alien to return to the country of his nationality or last residence and be employed there as a manager by the same firm, corporation, or other legal entity, or a branch, subsidiary, or affiliate thereof; and

"(C) furnishes the Attorney General each year with an affidavit (in such form as the Attorney General shall prescribe) that attests that the alien (i) is in good standing in the training program in which the alien is participating, and (ii) will return to the country of his nationality or last residence upon completion of the training program.".

(b) PROHIBITING ADJUSTMENT OF STATUS OF MOST STUDENT ENTRANTS.—Section 245(c) (8 U.S.C. 1255(c)) is amended by striking out "or" before "(3)" and by inserting before the period at the end the following: ", or (4) an alien (other than an immediate relative specified in section 201(b) or an alien who has received a waiver of the two-year foreign residence requirement of section 212(e)(1)) who entered the United States classified as a nonimmigrant under subparagraph (F) or (M) of section 101(a)(15)".

(c) NOT COUNTING PERIOD OF PRESENCE FOR SUSPENSION OF DEPORTATION.—Section 244(b) (8 U.S.C. 1254(b)) is amended—

(1) by striking out "(b)" and inserting in lieu thereof "(b)(1)", and

(2) by adding at the end the following new paragraph:

"(2) In determining the period of continuous physical presence in the United States under subsection (a), there shall not be included any period in which the alien was in the United States as—

"(A) a nonimmigrant described in subparagraph (F) or (M) of section 101(a)(15), or

"(B) a nonimmigrant described in section 101(a)(15)(H)(iii), pursuant to a waiver under section 212(e)(5)(B).".

(d) EFFECTIVE DATES.—(1) The amendments made by subsection (a) apply to aliens admitted to the United States as a nonimmigrant described in subparagraph (F) or (M) of section 101(a)(15) of the Immigration and Nationality Act after the date of the enactment of this Act or who otherwise acquire such status after such date.

(2) The amendments made by subsection (b) apply to aliens without regard to the date the aliens enter the United States.

(3) The amendments made by subsection (c) apply to periods occurring on or after the date of the enactment of this Act and shall not have the effect of excluding (in the determination of a period of continuous physical presence in the United States) any period before the date of the enactment of this Act.

SEC. 313. G-IV SPECIAL IMMIGRANTS.

(a) SPECIAL IMMIGRANT STATUS FOR CERTAIN OFFICERS AND EMPLOYEES OF INTERNATIONAL ORGANIZATIONS AND THEIR IMMEDIATE FAMILY MEMBERS.—Section 101(a)(27) (8 U.S.C. 1101(a)(27)) is amended by striking out "or" at the end of subparagraph (G), by striking out the period at the end of subparagraph (H) and inserting in lieu thereof "; or", and by adding at the end of the following new subparagraph:

"(I)(i) an immigrant who is the unmarried son or daughter of an officer or employee, or of a former officer or employee, of an international organization described in paragraph (15)(G)(i), and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least seven years between the ages of five and 21 years, and (II) applies for admission under this subparagraph no later than his twenty-fifth birthday or six months after the date this subparagraph is enacted, whichever is later;

"(ii) an immigrant who is the surviving spouse of a deceased officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv) or paragraph (15)(N), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the death of such officer or employee, and (II) applies for admission under this subparagraph no later than six months after the date of such death or six months after the date this subparagraph is enacted, whichever is later;

"(iii) an immigrant who is a retired officer or employee of such an international organization, and who (I) while maintaining the status of a nonimmigrant under paragraph (15)(G)(iv), has resided and been physically present in the United States for periods totaling at least one-half of the seven years before the date of application for a visa or for adjustment of status to a status under this subparagraph and for a period or periods aggregating at least 15 years before the date of the officer or employee's retirement from any such international organization, and (II) applies for admission under this subparagraph before January 1, 1993, and no later than six months after the date of such retirement or six months after the date this subparagraph is enacted, whichever is later; or

"(iv) an immigrant who is the spouse of a retired officer or employee accorded the status of special immigrant under clause (iii), accompanying or following to join such retired officer or employee as a member of his immediate family.".

(b) NONIMMIGRANT STATUS FOR CERTAIN PARENTS AND CHILDREN OF ALIENS GIVEN SPECIAL IMMIGRANT STATUS.—Section 101(a)(15) (8 U.S.C. 1101(a)(15)) is amended by striking out "or" at the end of subparagraph (L), by striking out the period at the end of subparagraph (M) and inserting in lieu thereof "; or", and by adding at the end the following new paragraph:

"(N)(i) the parent of an alien accorded the status of special immigrant under paragraph (27)(I)(i), but only if and while the alien is a child, or

"(ii) a child of such parent or of an alien accorded the status of a special immigrant under clause (ii), (iii), or (iv) of paragraph (27)(I).".

SEC. 314. VISA WAIVER PILOT PROGRAM FOR CERTAIN VISITORS.

(a) ESTABLISHING VISA WAIVER PILOT PROGRAM.—Chapter 2 of title II, as amended by section 301(c), is further amended by adding after section 216 the following new section:

"VISA WAIVER PILOT PROGRAM FOR CERTAIN VISITORS

"SEC. 217. (a) ESTABLISHMENT OF PILOT PROGRAM.—The Attorney General and the Secretary of State are authorized to establish a pilot program (hereafter in this section referred to as the 'pilot program') under which the requirement of paragraph (26)(B) of section 212(a) may be waived by the Attorney General and the Secretary of State, acting jointly and in accordance with this section, in the case of an alien who meets the following requirements:

"(1) SEEKING ENTRY AS TOURIST FOR 90 DAYS OR LESS.—The alien is applying for admission during the pilot program period (as defined in subsection (e)) as a nonimmigrant visitor (described in section 101(a)(15)(B)) for a period not exceeding 90 days.

"(2) NATIONAL OF PILOT PROGRAM COUNTRY.—The alien is a national of a country which—

"(A) extends (or agrees to extend) reciprocal privileges to citizens and nationals of the United States, and

"(B) is designated as a pilot program country under subsection (c).

"(3) EXECUTES ENTRY CONTROL AND WAIVER FORMS.—The alien before the time of such admission—

"(A) completes such immigration form as the Attorney General shall establish under subsection (b)(3), and

"(B) executes a waiver of review and appeal described in subsection (b)(4).

"(4) ROUND-TRIP TICKET.—The alien has a round-trip, nontransferable transportation ticket which—

"(A) is valid for a period of not less than one year,

"(B) is nonrefundable except in the country in which issued or in the country of the alien's nationality or residence,

"(C) is issued by a carrier which has entered into an agreement described in subsection (d), and

"(D) guarantees transport of the alien out of the United States at the end of the alien's visit.

"(5) NOT A SAFETY THREAT.—The alien has been determined not to represent a threat to the welfare, health, safety, or security of the United States.

"(6) NO PREVIOUS VIOLATION.—If the alien previously was admitted without a visa under this section, the alien must not have failed to comply with the conditions of any previous admission as such a nonimmigrant.

"(b) CONDITIONS BEFORE PILOT PROGRAM CAN BE PUT INTO OPERATION.—

"(1) PRIOR NOTICE TO CONGRESS.—The pilot program may not be put into operation until the end of the 30-day period beginning on the date that the Attorney General submits to the Congress a certification that the screening and monitoring system described in paragraph (2) is operational and effective and that the form described in paragraph (3) has been produced.

"(2) AUTOMATED DATA ARRIVAL AND DEPARTURE SYSTEM.—The Attorney General in cooperation with the Secretary of State shall develop and establish an automated data arrival and departure control system to screen and monitor the arrival into and departure from the United States of nonimmigrant visitors receiving a visa waiver under the pilot program.

"(3) VISA WAIVER INFORMATION FORM.—The Attorney General shall develop a form for use under the pilot program. Such form shall be consistent and compatible with the control system developed under paragraph (2). Such form shall provide for, among other items—

"(A) a summary description of the conditions for excluding nonimmigrant visitors from the United States under section 212(a) and under the pilot program,

"(B) a description of the conditions of entry with a waiver under the pilot program, including the limitation of such entry to 90 days and the consequences of failure to abide by such conditions, and

"(C) questions for the alien to answer concerning any previous denial of the alien's application for a visa.

"(4) WAIVER OF RIGHTS.—An alien may not be provided a waiver under the pilot program unless the alien has waived any right—

"(A) to review or appeal under this Act of an immigration officer's determination as to the admissibility of the alien at the port of entry into the United States, or

"(B) to contest, other than on the basis of an application for asylum, any action for deportation against the alien.

"(c) DESIGNATION OF PILOT PROGRAM COUNTRIES.—

"(1) UP TO 8 COUNTRIES.—The Attorney General and the Secretary of State acting jointly may designate up to eight countries as pilot program countries for purposes of the pilot program.

"(2) INITIAL QUALIFICATIONS.—For the initial period described in paragraph (4), a country may not be designated as a pilot program country unless the following requirements are met:

"(A) LOW NONIMMIGRANT VISA REFUSAL RATE FOR PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2.0 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(B) LOW NONIMMIGRANT VISA REFUSAL RATE FOR EACH OF 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(3) CONTINUING AND SUBSEQUENT QUALIFICATIONS.—For each fiscal year (within the pilot program period) after the initial period—

"(A) CONTINUING QUALIFICATION.—In the case of a country which was a pilot program country in the previous fiscal year, a country may not be designated as a pilot program country unless the sum of—

"(i) the total of the number of nationals of that country who were excluded from admission or withdrew their application for admission during such previous fiscal year as a nonimmigrant visitor, and

"(ii) the total number of nationals of that country who were admitted as nonimmigrant visitors during such previous fiscal year and who violated the terms of such admission,

was less than 2 percent of the total number of nationals of that country who applied for admission as nonimmigrant visitors during such previous fiscal year.

"(B) NEW COUNTRIES.—In the case of another country, the country may not be designated as a pilot program country unless the following requirements are met:

"(i) LOW NONIMMIGRANT VISA REFUSAL RATE IN PREVIOUS 2-YEAR PERIOD.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during the two previous full fiscal years was less than 2 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during those years.

"(ii) LOW NONIMMIGRANT VISA REFUSAL RATE IN EACH OF THE 2 PREVIOUS YEARS.—The average number of refusals of nonimmigrant visitor visas for nationals of that country during either of such two previous full fiscal years was less than 2.5 percent of the total number of nonimmigrant visitor visas for nationals of that country which were granted or refused during that year.

"(4) INITIAL PERIOD.—For purposes of paragraphs (2) and (3), the term 'initial period' means the period beginning at the end of the 30-day period described in subsection (b)(1) and ending on the last day of the first fiscal year which begins after such 30-day period.

"(d) CARRIER AGREEMENTS.—

"(1) IN GENERAL.—The agreement referred to in subsection (a)(4)(C) is an agreement between a carrier and the Attorney General under which the carrier agrees, in consideration of the waiver of the visa requirement with respect to a nonimmigrant visitor under the pilot program—

"(A) to indemnify the United States against any costs for the transportation of the alien from the United States if the visitor is refused admission to the United States or remains in the United States unlawfully after the 90-day period described in subsection (a)(1)(A), and

"(B) to submit daily to immigration officers any immigration forms received with respect to nonimmigrant visitors provided a waiver under the pilot program.

"(2) TERMINATION OF AGREEMENTS.—The Attorney General may terminate an agreement under paragraph (1) with five days' notice to the carrier for the carrier's failure to meet the terms of such agreement.

"(e) DEFINITION OF PILOT PROGRAM PERIOD.—For purposes of this section, the term 'pilot program period' means the period beginning at the end of the 30-day period referred to in subsection (b)(1) and ending on the last day of the third fiscal year which begins after such 30-day period.".

(b) LIMITATION ON STAY IN UNITED STATES.—Section 214(a) (8 U.S.C. 1184(a)) is amended by adding at the end the following new sentence: "No alien admitted to the United States without a visa pursuant to section 217 may be authorized to remain in the United States as a nonimmigrant visitor for a period exceeding 90 days from the date of admission.".

(c) PROHIBITION OF ADJUSTMENT TO IMMIGRANT STATUS.—Section 245(c) (8 U.S.C. 1255(c)), as amended by section 312(b), is further amended by striking out "or" before "(4)" and by inserting before the period at the end the following: "; or (5) an alien (other than an immediate relative as defined in section 201(b)) who was admitted as a nonimmigrant visitor without a visa under section 212(l) or section 217".

(d) PROHIBITION OF ADJUSTMENT OF NONIMMIGRANT STATUS.—Section 248 (8 U.S.C. 1258) is amended by striking out "and" at the end of paragraph (2), by striking out the period at the end of paragraph (3) and inserting in lieu thereof ", and" and by adding at the end thereof the following new paragraph:

"(4) an alien admitted as a nonimmigrant visitor without a visa under section 212(l) or section 217.".

(e) CONFORMING AMENDMENT TO TABLE OF CONTENTS.—The table of contents is amended by adding after the item relating to section 216 the following new item:

"Sec. 217. Visa waiver pilot program for certain visitors.".

SEC. 315. PROVIDING ADDITIONAL IMMIGRANT VISAS.

(a) AUTHORIZING ADDITIONAL VISAS FOR NATIVES OF CERTAIN COUNTRIES.—Notwithstanding the numerical limitations in section 201(a) of the Immigration and Nationality Act (8 U.S.C. 1151(a)), if—

(1) the total number of immigrants—

(A) who were born in a foreign state, and

(B) who were issued immigrant visas in fiscal year 1985 subject to the numerical limitation specified in section 201(a) of such Act or who otherwise acquired the status of an alien lawfully admitted for permanent residence in fiscal year 1985 subject to such numerical limitation,

was less than—

(2) three-fourths of the average annual number of immigrant visas made available under such Act, during the 10-fiscal year period beginning July 1, 1955, to aliens who were born in that foreign state,

there shall be made available to aliens born in that foreign state in each fiscal year (during the period described in subsection (f)) an additional number of immigrant visas equal to the amount of that difference or 7,500, whichever is less.

(b) DISTRIBUTION OF ADDITIONAL VISAS.—The additional visa numbers under subsection (a) for immigrants born in each foreign state shall be made available as follows:

(1) 30 percent of the additional visa numbers shall be made available to those qualified immigrants who are entitled to preference status under paragraph (1), (2), (3), (4), or (5) of section 203(a) of the Immigration and Nationality Act (8 U.S.C. 1153(a)), by allotting 6 percent of the additional visa numbers to the class of qualified immigrants described in each such respective paragraph.

(2) 30 percent of the additional visa numbers, plus any additional visa numbers not required under paragraph (1), shall be made

available to qualified immigrants who are entitled to preference status under section 203(a)(6) of such Act (8 U.S.C. 1153(a)(6)).

(3) 40 percent of the additional visa numbers, plus any additional visa numbers not required under paragraph (1) or (2), shall be made available to other qualified immigrants who are not entitled to preference status under section 203(a) of such Act.

(c) ORDER OF CONSIDERATION.—(1) Immigrant visas under paragraphs (1) and (2) of subsection (b) shall be made available to eligible immigrants in the order in which a petition in behalf of each such immigrant is filed with the Attorney General under section 204 of the Immigration and Nationality Act (8 U.S.C. 1154).

(2)(A) Except as provided in subparagraph (B), immigrant visas under subsection (b)(3) shall be made available to eligible immigrants strictly in the chronological order in which the immigrants qualify.

(B) The Secretary of State shall adjust the order in which immigrant visas under subsection (b)(3) are made available in a manner that assures equal availability to residents in all the geographic areas of the foreign state involved.

(d) WAIVER OF LABOR CERTIFICATION.—Section 212(a)(14) of the Immigration and Nationality Act (8 U.S.C. 1182(a)(14)) shall not apply in the determination of an immigrant's eligibility to receive any visa made available under this section or in the admission of such an immigrant issued such a visa under this section.

(e) APPLICATION OF DEFINITIONS OF IMMIGRATION AND NATIONALITY ACT.—Except as otherwise specifically provided in this section, the definitions contained in the Immigration and Nationality Act shall apply in the administration of this section. Nothing in this section shall be held to repeal, amend, alter, modify, affect, or restrict the powers, duties, functions, or authority of the Attorney General in the administration and enforcement of such Act or any other law relating to immigration, nationality, or naturalization.

(f) EFFECTIVE PERIOD.—The additional visa numbers shall be made available under this section only in fiscal years occurring during the five-fiscal year period beginning with first fiscal year that begins after the date of the enactment of this Act.

SEC. 316. MISCELLANEOUS PROVISIONS.

(a) EQUAL TREATMENT OF FATHERS.—Section 101(b)(1)(D) (8 U.S.C. 1101(b)(1)(D)) is amended by inserting "or to its natural father if the father has or had a bona fide parent-child relationship with the person" after "natural mother".

(b) SUSPENSION OF DEPORTATION FOR CERTAIN ALIENS.—Section 244(b) (8 U.S.C. 1254(b)), as amended by section 312(c), is further amended by adding at the end the following new paragraph:

"(3) An alien shall not be considered to have failed to maintain continuous physical presence in the United States under paragraphs (1) and (2) of subsection (a) if the absence from the United States was brief, casual, and innocent and did not meaningfully interrupt the continuous physical presence.".

(c) TREATMENT OF CUBAN POLITICAL PRISONERS.—Section 243(g) of the Immigration and Nationality Act (8 U.S.C. 1253(g)) shall not apply to the issuance of visas to nationals of Cuba who are or were imprisoned in Cuba for political activities.

(d) DENIAL OF CREW MEMBER NONIMMIGRANT VISA IN CASES OF STRIKE.—An alien may not be admitted to the United States as an alien crewman (under section 101(a)(15)(D) of the Immigration and Nationality Act, 8 U.S.C. 1101(a)(15)(D)) for the purpose of performing service on board a vessel or aircraft at a time when there is a strike in the bargaining unit of the employer in which the alien intends to perform such service.

TITLE IV—REPORTS TO CONGRESS

SEC. 401. TRIENNIAL REPORTS CONCERNING IMMIGRATION.

(a) IN GENERAL.—The President shall transmit to the Committees on the Judiciary of the Senate and of the House of Representatives, not later than three years after the date of the enactment of this Act, and every three years thereafter, a comprehensive report on the general legal admissions under the Immigration and Nationality Act.

(b) CONTENTS.—Each report shall include—

(1) the number and classifications of aliens admitted (whether as immediate relatives, special immigrants, refugees, or under the preference classifications, or as nonimmigrants), paroled, or granted asylum, during the relevant period;

(2) a reasonable estimate of the number of aliens who entered the United States during the period without visas or who became deportable during the period under section 241 of the Immigration and Nationality Act; and

(3) a description of the impact of admissions and other entries of immigrants, refugees, asylees, and parolees into the United States during the period on the economy, labor and housing markets, educational system, social services, foreign policy, environmental quality and resources, and population growth rate of the United States.

(c) DATA.—The information (referred to in subsection (b)) contained in each report shall be—

(1) described for the preceding three-year period, and

(2) projected for the succeeding five-year period, based on reasonable estimates substantiated by the best available evidence.

(d) RECOMMENDATIONS.—The President also shall include in such report any appropriate recommendations on changes in numerical limitations or other policies under title II of the Immigration and Nationality Act bearing on the admission and entry of aliens into the United States.

SEC. 402. REPORTS ON UNAUTHORIZED ALIEN EMPLOYMENT AND DISCRIMINATION IN EMPLOYMENT.

(a) PRESIDENTIAL REPORTS.—(1) The President shall transmit to the Committees on the Judiciary of the Senate and of the House of Representatives reports on the implementation of section 274A of the Immigration and Nationality Act (relating to unlawful employment of aliens) in accordance with this subsection.

(2) Every six months, beginning six months after the date of the enactment of this Act, the President shall transmit a report which shall include—

(A) an analysis of the adequacy of the employment verification system set forth in subsection (b) of section 274A of the Immigration and Nationality Act; and

(B) an analysis of the impact of that section on—

(i) the employment, wages, and working conditions of United States workers,

(ii) the number of aliens entering the United States illegally, and

(iii) the violation of terms and conditions of nonimmigrant visas by foreign visitors.

(3)(A) By each of the dates specified in subparagraph (B), the President shall transmit a report which shall include a description of the impact of section 274A of the Immigration and Nationality Act on—

(i) discrimination against citizen and permanent resident alien members of minority groups, and

(ii) the paperwork and recordkeeping burden on United States employers.

(B) The dates referred to in subparagraph (A) are 18, 36, and 54 months after the date of enactment of this Act.

(b) FEASIBILITY STUDY OF SOCIAL SECURITY NUMBER VALIDATION SYSTEM.—The Secretary of Health and Human Services, acting through the Social Security Administration and in cooperation with the Attorney General and the Secretary of Labor, shall conduct a study of the feasibility and costs of establishing a social security number validation system to assist in carrying out the purposes of section 274A of the Immigration and Nationality Act, and of the privacy concerns that would be raised by the establishment of such a system. The Secretary shall submit to the Committees on Ways and Means and the Judiciary of the House of Representatives and to the Committees on Finance and the Judiciary of the Senate, within 2 years after the date of the enactment of this Act, a full and complete report on the results of the study together with such recommendations as may appear appropriate.

(c) CIVIL RIGHTS COMMISSION MONITORING AND REPORTS.—(1) The Civil Rights Commission shall monitor the implementation and enforcement of the provisions of section 274A of the Immigration and Nationality Act and shall investigate allegations that the enforcement or implementation of that section has been conducted in a manner that results in unlawful discrimination by race or national origin against citizens of the United States or aliens who are not unauthorized aliens (as defined for purposes of that section).

(2) The Civil Rights Commission, not later than 18 months after the month in which this Act is enacted, shall prepare and transmit to the Committees on the Judiciary of the House of Representatives and of the Senate a report describing the implementation and enforcement of the provisions of that section during the preceding period, for the purpose of determining if a pattern of such unlawful discrimination has resulted. Two more such reports shall be prepared and transmitted 36 and 54 months after the month in which this Act is enacted.

SEC. 403. REPORTS ON H-2A PROGRAM.

(a) PRESIDENTIAL REPORTS.—The President shall transmit to the Committees on the Judiciary of the Senate and of the House of Representatives reports on the implementation of the temporary agricultural worker (H-2A) program, which shall include—

(1) the number of foreign workers permitted to be employed under the program in each year;

(2) the compliance of employers and foreign workers with the terms and conditions of the program;

(3) the impact of the program on the labor needs of the United States agricultural employers and on the wages and working conditions of United States agricultural workers; and

(4) recommendations for modifications of the program, including—

(A) improving the timeliness of decisions regarding admission of temporary foreign workers under the program,

(B) removing any economic disincentives to hiring United States citizens or perma-

nent resident aliens for jobs for which temporary foreign workers have been requested,

(C) improving cooperation among government agencies, employers, employer associations, workers, unions, and other worker associations to end the dependence of any industry on a constant supply of temporary foreign workers, and

(D) the relative benefits to domestic workers and burdens upon employers of a policy which requires employers, as a condition for certification under the program, to continue to accept qualified United States workers for employment after the date the H-2A workers depart for work with the employer.

The recommendations under subparagraph (D) shall be made in furtherance of the Congressional policy that aliens not be admitted under the H-2A program unless there are not sufficient workers in the United States who are able, willing, and qualified to perform the labor or services needed and that the employment of the alien in such labor or services will not adversely affect the wages and working conditions of workers in the United States similarly employed.

(b) DEADLINES.—A report on the H-2A temporary worker program under subsection (a) shall be submitted not later than two years after the date of the enactment of this Act, and every two years thereafter.

SEC. 404. REPORTS ON LEGALIZATION PROGRAM.

(a) IN GENERAL.—The President shall transmit to Congress two reports on the legalization program established under section 245A of the Immigration and Nationality Act.

(b) INITIAL REPORT DESCRIBING LEGALIZED ALIENS.—The first report, which shall be transmitted not later than 12 months after the end of the application period for adjustment to lawful temporary residence status under the program, shall include a description of the population whose status is legalized under the program, including—

(1) geographical origins and manner of entry of these aliens into the United States,

(2) their demographic characteristics, and

(3) a general profile and characteristics.

(c) SECOND REPORT ON IMPACT OF LEGALIZATION PROGRAM.—The second report, which shall be transmitted not later than three years after the date of transmittal of the first report, shall include a description of—

(1) the impact of the program on State and local governments and on public health and medical needs of individuals in the different regions of the United States,

(2) the patterns of employment of the legalized population, and

(3) the participation of legalized aliens in social service programs.

SEC. 405. REPORT ON VISA WAIVER PILOT PROGRAM.

(a) MONITORING AND REPORT PILOT PROGRAM.—The Attorney General and the Secretary of State shall jointly monitor the pilot program established under section 217 of the Immigration and Nationality Act and shall report to the Congress not later than two years after the beginning of the program.

(b) DETAILS IN REPORT.—The report shall include—

(1) an evaluation of the program, including its impact—

(A) on the control of alien visitors to the United States,

(B) on consular operations in the countries designated under the program, as well as on consular operations in other countries in which additional consular personnel have been relocated as a result of the implementation of the program, and

(C) on the United States tourism industry; and

(2) recommendations—

(A) on extending the pilot program period, and

(B) on increasing the number of countries that may be designated under the program.

SEC. 406. REPORT ON INS RESOURCES.

Not later than 90 days after the date of the enactment of this Act, the Attorney General shall prepare and transmit to the Congress a report describing the type of equipment, physical structures, and personnel resources required to improve the capabilities of the Immigration and Naturalization Service so that it can adequately carry out services and enforcement activities, including those required to carry out the amendments made by this Act.

SEC. 407. U.S.-MEXICO BORDER REVITALIZATION.

(a) IN GENERAL.—The President is authorized to negotiate with the Government of Mexico, on a reciprocal and mutually beneficial basis, the establishment of a free-trade and co-production zone that would include the United States-Mexico borderlands, as a first step to achieving a free-trade area between the United States and Mexico over the long term.

(b) REPORT.—The President shall provide for a report to be submitted to the Congress on the progress in any such negotiations. Such report shall include such recommendations for changes in legislation as may be appropriate.

TITLE V—STATE AND LOCAL ASSISTANCE FOR INCARCERATION COSTS OF ILLEGAL ALIENS AND CERTAIN CUBAN NATIONALS

SEC. 501. REIMBURSEMENT OF STATES AND LOCALITIES FOR COSTS OF INCARCERATING ILLEGAL ALIENS AND CERTAIN CUBAN NATIONALS.

(a) REIMBURSEMENT TO STATES AND LOCALITIES.—Subject to the amounts provided in advance in appropriation Acts, the Attorney General shall reimburse States and local jurisdictions within a State for the costs incurred by the State or local jurisdiction—

(1) for the imprisonment of any illegal alien or Cuban national, described in subsection (b) or (c), respectively, who is convicted of a felony by the State or local jurisdiction, and

(2) for the pre-trial and post-trial detention of any illegal alien or Cuban national, described in subsection (b) or (c), respectively, who is convicted in the trial of a felony by the State or local jurisdiction.

(b) ILLEGAL ALIEN.—An illegal alien described in this subsection is any alien who is in the United States unlawfully and—

(1) whose most recent entry into the United States was without inspection, or

(2) whose most recent admission to the United States was as a nonimmigrant and—

(A) whose period of authorized stay as a nonimmigrant expired, or

(B) whose unlawful status was known to the Government,

before the date of the commission of the crime for which the alien is convicted.

(c) CUBAN NATIONAL.—A Cuban national described in this subsection is an alien who is a national of Cuba and who—

(1) was allowed by the Attorney General to come to the United States in 1980,

(2) after such arrival committed any violation of State or local law for which a term of imprisonment was imposed, and

(3) at the time of such arrival and at the time of such violation was not an alien lawfully admitted to the United States—

(A) for permanent or temporary residence, or

(B) under the terms of an immigrant visa or a nonimmigrant visa issued,

under the laws of the United States.

(d) AUTHORIZATION OF APPROPRIATION.—There are authorized to be appropriated such sums as are necessary to carry out the purposes of this section.

(e) EFFECTIVE DATE.—This section shall become effective on October 1, 1986.

(f) STATE DEFINED.—The term "State" has the meaning given such term in section 101(a)(36) of the Immigration and Nationality Act (8 U.S.C. 1101(a)(36)).

TITLE VI—COMMISSION ON INTERNATIONAL MIGRATION AND DEVELOPMENT

SEC. 601. COMMISSION ON INTERNATIONAL MIGRATION AND DEVELOPMENT.

(a) ESTABLISHMENT AND PURPOSE.—There is established a National Commission on International Migration and Development (in this section referred to as the "Commission") to conduct studies, in consultation with the governments of sending countries, and report to Congress concerning the following:

(1) CONDITIONS IN SENDING COUNTRIES.—The conditions in sending countries which contribute to unauthorized migration to the United States.

(2) TRADE AND INVESTMENT PROGRAMS.—Mutually beneficial, reciprocal trade and investment programs to alleviate the conditions identified in paragraph (1).

In this section, the term "sending country" means a foreign country a substantial number of whose nationals migrate to, or remain in, the United States without authorization.

(b) THREE-YEAR AGENDA.—The Commission shall develop an operating agenda under which—

(1) the Commission will study and report on both of the topics under subsection (a) over a three-year period, beginning on the date a majority of the members of the Commission are first appointed, and

(2) a final report of the Commission shall be transmitted not later than the end of such period.

(c) DETAILS ON STUDIES.—

(1) CONDITIONS IN SENDING COUNTRIES.—With respect to the studies described in subsection (a)(1), the Commission shall examine—

(A) the relationship between (i) current and projected demographic, social, economic, labor, and technological conditions in sending countries and in the United States and (ii) unauthorized migration from such countries to the United States, and

(B) the impact on such conditions of current trade and other policies governing the economic relations between sending countries and the United States.

(2) TRADE AND INVESTMENT PROGRAMS.—With respect to the studies described in subsection (a)(2), the Commission shall examine the feasibility of mutually beneficial, reciprocal trade and investment programs to alleviate conditions in the sending countries contributing to unauthorized migration from those countries to the United States.

(d) COMPOSITION OF COMMISSION.—

(1) APPOINTMENT.—The Commission shall be composed of 15 members appointed jointly by the Speaker of the House of Representatives, the Minority Leader of the House of Representatives, and the Majority and Minority Leaders of the Senate. Appointments to the Commission shall be made within 90 days after the date of the enactment of this Act. Members shall be appointed for the life of the Commission. A vacancy in the Com-

mission shall be filled in the manner in which the original appointment was made.

(2) NONPARTISAN STRUCTURE.—Not more than 8 members of the Commission may be members of the same political party and not more than 4 may be a member of Congress.

(3) REPRESENTATION.—Among the individuals appointed to the Commission, there shall be individuals representing academia, Federal, State, and local government, organized labor, business, and organizations with experience in migration and development matters.

(4) CHAIRMAN AND VICE CHAIRMAN.—The chairman and the vice chairman of the Commission shall be elected from among the members and shall serve for the life of the Commission.

(e) COMPENSATION OF MEMBERS.—

(1) PER DIEM.—Each member of the Commission who is not an officer or employee of the Federal Government shall, subject to such amounts as are provided in advance in appropriations Acts, receive $100 for each full-day equivalent (including traveltime) during which the member is engaged in the actual performance of duties of the Commission. Each member of the Commission who is an officer or employee of the Federal Government shall receive no additional pay on account of his or her service on the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed reasonable travel expenses, including per diem in lieu of subsistence.

(f) STAFF.—The chairman shall appoint a director of the Commission and such additional Commission personnel as the chairman deems necessary. The personnel of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(g) OPERATION OF COMMISSION.—

(1) QUORUM.—Eight members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(2) MEETINGS OF COMMISSION.—The Commission shall meet at the call of the chairman or a majority of its members.

(3) HEARINGS.—The Commission may for the purpose of carrying out its duties hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable.

(4) USE OF CONSULTANTS.—The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants at a rate to be fixed by the Commission, but not in excess of $100 per full-day equivalent (including traveltime). While away from his home or regular place of business in the performance of services for the Commission, any such person may be allowed reasonable travel expenses including per diem in lieu of subsistence.

(5) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties. Upon request of the chairman, the head of such agency or department of the United States shall furnish all information requested by the Commission which is necessary to enable it to carry out its duties.

(6) ACCEPTING GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(7) USE OF U.S. MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(8) SUPPORT SERVICES FROM GSA.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) REPORTS AND TERMINATION.—

(1) REPORTS.—The Commission shall transmit to Congress annual reports, in accordance with its agenda established under subsection (b). Each such report shall include a summary of the studies conducted by the Commission and such recommendations as the Commission deems appropriate.

(2) TERMINATION.—The Commission shall cease to exist 30 days after the end of the three-year period beginning on the date a majority of the members of the Commission are first appointed.

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

TITLE VII—NATIONAL COMMISSION ON IMMIGRATION

SEC. 701. NATIONAL COMMISSION ON IMMIGRATION.

(a) ESTABLISHMENT OF COMMISSION.—There is established a National Commission on Immigration (hereinafter in this section referred to as the "Commission") to conduct studies and analyses and to report to Congress concerning the following:

(1) PUSH-PULL FACTORS AND RECIPROCAL PROGRAMS.—(A) The push and pull factors affecting unauthorized immigration to the United States, and

(B) the development, in partnership with Latin American countries, of reciprocal trade and economic development programs of mutual benefit.

(2) EMPLOYMENT OF UNAUTHORIZED ALIENS.—The incentives for employers in the United States to employ aliens who are not authorized to be so employed.

(3) AGRICULTURAL RELIANCE ON UNAUTHORIZED WORKERS.—The reliance of the agricultural industry on the employment, on a temporary basis, of aliens not authorized to be employed in the United States.

(4) BACKLOGS IN APPROVED IMMIGRANT VISAS.—The existence and extent of backlogs for the issuance of immigrant visas to aliens who have approved petitions for immigrant preference status.

(b) DETAILS OF STUDIES.—

(1) PUSH-PULL STUDY.—With respect to the topic described in subsection (a)(1)(A)—

(A) REVIEW OF ECONOMIC AND SOCIAL CONDITIONS.—The Commission shall review and analyze—

(i) the economic and social conditions, patterns, and trends in the United States and in foreign countries which affect unauthorized immigration into the United States,

(ii) the short-term and long-term problems in the United States and elsewhere associated with such unauthorized immigration, and

(iii) potential solutions to such problems.

The Commission's reviews and analyses shall focus on, and be conducted in close consultation with the governments of, those foreign countries from which nationals are most likely to immigrate without prior authorization to the United States.

(B) CONSIDERATIONS.—The Commission shall take into account, in such reviews and analyses the following:

(i) TRENDS.—The prevailing and projected demographic, technological, and economic trends affecting immigration into the United States.

(ii) IMPACT OF LAWS.—The impact of immigration laws, and their enforcement, on unauthorized immigration and on social and economic conditions in foreign countries.

(iii) IMPACT ON UNEMPLOYMENT.—How unemployment in particular areas and occupations in the United States is affected by unauthorized immigration.

(iv) GOVERNING LAWS.—The laws, policies (including trade policies), and procedures governing economic and diplomatic relations between the United States and foreign countries.

(C) RECOMMENDATIONS.—The Commission shall make recommendations respecting additional statutory and other changes that should be made to best deal with unauthorized immigration into the United States.

(2) STUDY ON EMPLOYMENT OF UNAUTHORIZED ALIENS.—

(A) ASSESSMENT.—With respect to the topic described in subsection (a)(2), the Commission shall assess—

(i) the effectiveness of the enforcement of the labor laws described in section 101(e) of this Act in removing the economic incentive on hiring individuals not authorized to be employed in the United States, and

(ii) the level of displacement from employment of lawful residents occurring as a result of the employment of unlawful residents.

(B) SPECIFIC RECOMMENDATIONS.—If the labor laws described in section 101(e) are not effective in removing the economic incentive on hiring individuals not authorized to be employed in the United States, the Commission shall review and make recommendations with respect to alternative measures which would minimize such job displacement while insuring that employment discrimination does not occur as a result of implementation of such measures.

(3) AGRICULTURAL RELIANCE ON TEMPORARY WORKERS.—With respect to the topic described in subsection (a)(3), the Commission shall review and study the temporary worker program currently provided under the Immigration and Nationality Act and shall assess the following:

(A) LABOR SHORTAGES.—Present and future labor shortages in the agricultural industry.

(B) WORKER ABUSES.—Abuses of foreign, as well as domestic, workers presently employed in agriculture.

(C) USE OF DOMESTIC WORKERS.—The feasibility and cost effectiveness of training and transporting domestic workers to perform agricultural work in areas as needed.

(D) SPECIFIC STATUTORY CHANGES.—Whether or not statutory changes in such program should be made with respect to—

(i) limiting the number of aliens who can be admitted under such program,

(ii) changing the terms and conditions of their employment,

(iii) changing the standards for recruitment and retention of domestic workers,

(iv) providing for payment of Social Security and unemployment taxes under the Federal Insurance Contributions Act and the Federal Unemployment Tax Act with respect to foreign agricultural workers, and

(v) otherwise removing any economic disincentives to the hiring of qualified domestic workers and ending the reliance of any

industry on a constant supply of temporary foreign agricultural workers.

(4) IMMIGRANT VISA BACKLOGS.—

(A) REVIEW AND STUDY.—With respect to the topic described in subsection (a)(4), the Commission shall review and study the causes and circumstances regarding the existence of the backlog in the issuance of immigrant visas to aliens with approved preference petitions and shall propose means of ameliorating such backlog, with particular focus on family reunification.

(B) DEADLINE FOR REPORT.—The Commission shall present its recommendations to the Congress with respect to this topic not later than 18 months after the date of the enactment of this Act.

(c) COMPOSITION OF COMMISSION.—

(1) IN GENERAL.—The Commission shall be composed of 15 members as follows:

(A) PRESIDENTIAL APPOINTMENTS.—Five members appointed by the President, not more than three of whom are members of the same political party and not more than three of whom are officers or employees of the Federal Government.

(B) APPOINTMENTS BY SPEAKER OF HOUSE OF REPRESENTATIVES.—Five members appointed by the Speaker of the House of Representatives, not more than three of whom are members of the same political party and not more than two of whom are members of Congress.

(C) APPOINTMENTS BY PRESIDENT PRO TEMPORE OF SENATE.—Five members appointed by the President pro tempore of the Senate, not more than three of whom are members of the same political party and not more than two of whom are members of Congress.

(2) CONSIDERATIONS IN MAKING APPOINTMENTS.—In making such appointments, due consideration shall be given to securing representatives on the Commission from a variety of constituencies, including State and local government officials and individuals and representatives of organizations with experience or expertise in immigration matters. Members shall be appointed in a manner that provides for balanced representation of all interests.

(3) TIMELY APPOINTMENTS.—Appointments to the Commission shall be made within 90 days after the date of the enactment of this section.

(4) ELECTION OF CHAIRMAN AND VICE CHAIRMAN.—The chairman and the vice chairman of the Commission shall be elected from among the members. The term of office of the chairman and vice chairman shall be for the life of the Commission.

(5) PARTICIPATION BY REPRESENTATIVES OF FOREIGN GOVERNMENTS.—The chairman may invite for the purpose of participating in any meeting or hearing held by the Commission, and for the purpose of contributing to the studies to be conducted and the recommendations to be developed by the Commission, such representatives of the governments of countries as the Commission deems desirable.

(d) MEMBERSHIP.—

(1) LIFE MEMBERSHIP.—Members shall be appointed for the life of the Commission.

(2) VACANCIES.—A vacancy in the Commission shall be filled in the manner in which the original appointment was made.

(3) QUORUM.—Seven members of the Commission shall constitute a quorum, but a lesser number may hold hearings.

(4) MEETINGS.—The Commission shall meet at the call of the chairman or a majority of its members.

(e) COMPENSATION OF MEMBERS.—

(1) PER DIEM.—

(A) NON-FEDERAL MEMBERS.—Each member of the Commission who is not an officer or employee of the Federal Government shall, subject to such amounts as are provided in advance in appropriations Acts, receive $150 for each day (including traveltime) during which the member is engaged in the actual performance of duties of the Commission.

(B) FEDERAL MEMBERS.—Members of the Commission who are officers or employees of the Federal Government shall receive no additional pay on account of their service on the Commission.

(2) TRAVEL EXPENSES.—While away from their homes or regular places of business in the performance of services for the Commission, members of the Commission shall be allowed travel expenses, including per diem in lieu of subsistence.

(f) STAFF.—

(1) DIRECTOR.—The Commission shall have a director who shall be appointed by and whose rate of pay shall be fixed by the chairman.

(2) OTHER STAFF.—The chairman may appoint and fix the rate of pay of such additional personnel as the chairman deems desirable.

(3) LAW GOVERNING APPOINTMENT AND PAY.—The director and staff of the Commission may be appointed without regard to the provisions of title 5, United States Code, governing appointments in the competitive service, and may be paid without regard to the provisions of chapter 51 and subchapter III of chapter 53 of such title relating to classification and General Schedule pay rates.

(g) AUTHORITY OF COMMISSION.—

(1) HEARINGS.—The Commission may for the purpose of carrying out its duties hold such hearings, sit and act at such times and places, take such testimony, and receive such evidence as the Commission deems advisable. To the extent feasible, the Commission shall hold at least some hearings in the border regions of the United States.

(2) ESTABLISHMENT OF 3 EXPERT PANELS.—The Commission shall, to the maximum extent feasible, conduct its activities through the establishment of three expert panels, each of the panels to provide detailed information and recommendations to the Commission respecting one of the topics described in subsection (a).

(3) USE OF CONSULTANTS.—The Commission may procure, in accordance with the provisions of section 3109 of title 5, United States Code, the temporary or intermittent services of experts or consultants at a rate to be fixed by the Commission, but not in excess of $150 per diem (including traveltime). While away from his home or regular place of business in the performance of services for the Commission, any such person may be allowed travel expenses including per diem in lieu of subsistence.

(4) INFORMATION FROM FEDERAL AGENCIES.—The Commission may secure directly from any department or agency of the United States information necessary to enable it to carry out its duties. Upon request of the chairman, the head of such agency or department of the United States shall furnish all information requested by the Commission which is necessary to enable it to carry out its duties.

(5) ACCEPTING GIFTS.—The Commission may accept, use, and dispose of gifts or donations of services or property.

(6) USE OF U.S. MAILS.—The Commission may use the United States mails in the same manner and under the same conditions as other departments and agencies of the United States.

(7) SUPPORT SERVICES FROM GSA.—The Administrator of General Services shall provide to the Commission on a reimbursable basis such administrative support services as the Commission may request.

(h) REPORTS AND TERMINATION.—

(1) REPORT.—The Commission shall transmit a report to the Congress not later than three years after the date of the enactment of this Act. Such report shall include a summary of the reviews and analyses conducted by or on behalf of the Commission and such recommendations as the Commission deems appropriate.

(2) TERMINATION.—The Commission shall cease to exist on the thirtieth day beginning after the date of the transmission of the report under paragraph (1).

(i) AUTHORIZATION OF APPROPRIATIONS.—There are authorized to be appropriated such sums as may be necessary to carry out the purposes of this section.

TITLE VIII—INVESTIGATION, REVIEW, AND TEMPORARY LIMITATION ON DEPORTATION OF DISPLACED SALVADORANS AND NICARAGUANS

PART A—GAO INVESTIGATION AND REPORT

SEC. 801. GAO INVESTIGATION.

(a) REQUIRING GAO INVESTIGATION ON DISPLACED SALVADORANS AND NICARAGUANS.—Within 60 days after the date of the enactment of this Act, the Comptroller General shall begin an investigation concerning displaced nationals of El Salvador and Nicaragua.

(b) DETERMINATIONS ON DISPLACED SALVADORANS AND NICARAGUANS IN CENTRAL AMERICA.—The investigation shall determine the following, separately, with respect to displaced Salvadorans and with respect to displaced Nicaraguans who are present in either El Salvador, Nicaragua, Honduras, Guatemala, or Mexico, regardless of whether or not they are registered:

(1) The number of these displaced persons and their current locations.

(2) Their place of origin in El Salvador or Nicaragua and the period of, and reason for, their displacement.

(3) Their current living conditions, with particular attention to (A) their personal safety and the personal safety of those providing assistance to them, and (B) the availability of food and medical assistance.

(4) An assessment of (A) current efforts to provide food, medical assistance, housing, and other necessities and to secure personal safety for these persons, and (B) policies and procedures that reasonably could be implemented to assure more efficient and equitable distribution of this assistance.

(5) The impact of the war in El Salvador or the war in Nicaragua, respectively, and of activities of officers of the Government or political parties in El Salvador or Nicaragua, respectively, on the matters described in the previous paragraphs.

(c) DETERMINATIONS ON SALVADORANS AND NICARAGUANS RETURNED FROM THE UNITED STATES.—In the case of nationals of El Salvador and nationals of Nicaragua who have been required (whether through deportation, voluntary departure proceeding, or otherwise) to depart from the United States and who return to El Salvador or Nicaragua, the investigation shall assess—

(1) their condition and circumstances in El Salvador or Nicaragua upon return from the United States, with particular attention to any violations of fundamental human

rights that have occurred upon their return to El Salvador or Nicaragua, or

(2) the extent to which these persons, upon their return, have become displaced persons within El Salvador or Nicaragua.

(d) DETERMINATIONS ON SALVADORANS AND NICARAGUANS IN THE UNITED STATES IN AN UNLAWFUL STATUS.—In the case of nationals of El Salvador and nationals of Nicaragua, respectively, who are present in the United States in an unlawful status, the investigation shall—

(1) compare the situation in El Salvador and Nicaragua with the situation in other countries during periods when nationals of those countries have been provided administrative grants of extended voluntary departure under the immigration laws,

(2) describe the policies and procedures of the United States respecting the treatment of aliens (other than Salvadorans and Nicaraguans) in the United States in similar circumstances, and

(3) describe the policies of all other countries in which Salvadorans or Nicaraguans have sought refuge as these policies concern the return of the Salvadorans to El Salvador and Nicaraguans to Nicaragua.

SEC. 802. REPORT.

The Comptroller General shall submit to the Speaker of the House of Representatives and the President of the Senate, not later than one year after the date of the initiation of the study under section 801, a report on such study, including detailed findings concerning the items described in subsections (b), (c), and (d) of such section.

PART B—CONGRESSIONAL REVIEW

SEC. 811. REFERRAL OF REPORT, COMMITTEE HEARINGS, AND COMMITTEE REPORT.

(a) REFERRAL.—The report, when submitted under section 802, shall be referred, in accordance with the rules of each House, to the standing committee or committees of each House of Congress having jurisdiction over the subjects of the report, and the report shall be printed as a document of the House of Representatives.

(b) COMMITTEE HEARINGS.—No later than 90 days of continuous session of Congress after the date of the referral of the report to a committee, the committee shall initiate hearings, insofar as such committee has legislative or oversight jurisdiction, to consider—

(1) the findings of the report,

(2) the appropriate steps that should be taken to provide assurances of personal safety and adequate, efficient, and equitable distribution of assistance with respect to Salvadorans and Nicaraguans who are displaced within their countries or who have fled to other countries in Central America,

(3) treaty obligations of the United States, humanitarian considerations, and previous practice of the United States respecting the treatment of aliens in similar circumstances, and

(4) whether it is appropriate to extend, remove, or alter the restrictions contained in part C.

(c) COMMITTEE REPORT.—No later than 270 days of continuous session of the Congress after the date of the referral of the report to a committee, the committee shall report to its respective House its oversight findings and any legislation it deems appropriate.

(d) TREATMENT OF CONTINUITY OF SESSION.—For purposes of this part, continuity of session of Congress is broken only by an adjournment sine die at the end of the second regular session of a Congress, and days on which either House of Congress is not in session because of an adjournment of more than 10 days to a date certain are excluded from the computation of the periods of continuous session of Congress.

PART C—TEMPORARY STAY OF DEPORTATION

SEC. 821. LIMITATION ON DETENTION AND DEPORTATION.

(a) LIMITATION.—(1) Except as provided in paragraph (2), the Attorney General shall not detain or deport aliens described in subsection (b) during the period beginning on the date of the enactment of this Act and ending 270 days of continuous session of Congress after the date of transmittal of the report of the Comptroller General to the Speaker of the House of Representatives under section 802.

(2) Paragraph (1) shall not be construed to prohibit the brief interrogation of an alien under section 287(a)(1) of the Immigration and Nationality Act (8 U.S.C. 1357(a)(1)) for the purpose of determining whether this section applies to particular aliens.

(b) ALIENS COVERED BY THE LIMITATION.—The nationals referred to in subsection (a)(1) are aliens who—

(1) are nationals of El Salvador or nationals of Nicaragua;

(2) have been and are continuously present in the United States since before August 6, 1986;

(3) are determined to be deportable only under—

(A) paragraph (1) of section 241(a) of the Immigration and Nationality Act (8 U.S.C. 1251(a)), but only as such paragraph relates to a ground for exclusion described in paragraphs (14), (15), (20), (21), (25), or (32) of section 212(a) of such Act (8 U.S.C. 1182(a)), or

(B) under paragraphs (2), (9), or (10) of section 241(a) of such Act (8 U.S.C. 1254(a)); and

(4) have agreed in writing to depart from the United States voluntarily upon the expiration of the period referred to in subsection (a).

SEC. 822. PERIOD OF STAY OF DEPORTATION NOT COUNTED TOWARDS OBTAINING SUSPENSION OF DEPORTATION BENEFIT.

With respect to an alien whose deportation is temporarily stayed under section 821 during a period, the period of the stay shall not be counted as a period of physical presence in the United States for purposes of section 244(a) of the Immigration and Nationality Act (8 U.S.C. 1254(a)).

SEC. 823. ALIEN'S STATUS DURING PERIOD OF EXTENSION.

During the period of the extension of an alien's voluntary departure under section 821, the alien—

(1) shall not be considered to be permanently residing in the United States under color of law,

(2) shall not be eligible for any program of public assistance furnished (directly or through reimbursement) under Federal law, and

(3) may be deemed ineligible for public assistance by a State (as defined in section 101(a)(36) of the Immigration and Nationality Act) or any political subdivision thereof which furnishes such assistance.

TITLE IX—FEDERAL RESPONSIBILITY FOR DEPORTABLE AND EXCLUDABLE ALIENS CONVICTED OF CRIMES

SEC. 901. EXPEDITIOUS DEPORTATION OF CONVICTED ALIENS.

Section 242 (8 U.S.C. 1254) is amended by adding at the end the following new subsection.

"(i) in the case of an alien who is convicted of an offense which makes the alien subject to deportation, the Attorney General shall begin any deportation proceeding as expeditiously as possible after the date of the conviction.".

SEC. 902. TRANSFER OF CERTAIN DEPORTABLE ALIENS FROM STATE AND LOCAL PENAL FACILITIES TO FEDERAL PENAL FACILITIES.

Notwithstanding any other provision of law, any alien who is incarcerated in a State or local penal facility for an offense involving controlled substances, the commission of which makes such alien deportable under section 241 of the Immigration and Nationality Act, shall, upon written request of the appropriate State or local official, be transferred to a penal facility under the authority of the Director of the Bureau of Prisons. The Attorney General shall prescribe such regulations as may be necessary to carry out this section.

SEC. 903. IDENTIFICATION OF FACILITIES TO INCARCERATE DEPORTABLE OR EXCLUDABLE ALIENS.

The President shall require the Secretary of Defense, in cooperation with the Attorney General and by not later than 60 days after the date of enactment of this Act, to list facilities of the Department of Defense that could be made available to the Bureau of Prisons for use in incarcerating aliens who are subject to exclusion or deportation from the United States.

The SPEAKER. The question is on the motion offered by the gentleman from Kentucky [Mr. MAZZOLI].

The motion was agreed to.

The Senate bill was ordered to be read a third time, was read the third time, and passed.

The title of the Senate bill was amended so as to read: "An act to amend the Immigration and Nationality Act to revise and reform the immigration laws, and for other purposes."

A motion to reconsider was laid on the table.

A similar House bill (H.R. 3810) was laid on the table.

Mr. MAZZOLI. Mr. Speaker, I ask unanimous consent that the engrossment of the House amendment to S. 1200, just passed by the House, the text of the bill made in order by section 2 of House Resolution 580, inadvertently contained in section 301(C)(2), be stricken.

The SPEAKER. Is there objection to the request of the gentleman from Kentucky?

There was no objection.

The SPEAKER. The motion to go to conference will be offered on tomorrow.

REPORT ON RESOLUTION PROVIDING FOR CONSIDERATION OF HOUSE JOINT RESOLUTION 751, FURTHER CONTINUING APPROPRIATIONS, 1987

Mr. MOAKLEY, from the Committee on Rules, submitted a privileged report (Rept. No. 99-986) on the resolution (H. Res. 583) providing for the consideration of the joint resolution (H.J. Res. 751) making further continuing appropriations for the fiscal

year ending September 30, 1987, and for other purposes, which was referred to the House Calendar and ordered to be printed.

FURTHER CONTINUING APPROPRIATIONS, 1987—VETO MESSAGE FROM THE PRESIDENT OF THE UNITED STATES (H. DOC. NO. 99-277)

The SPEAKER laid before the House the following veto message from the President of the United States:

To the House of Representatives:

I am returning herewith without my approval H.J. Res. 748, continuing appropriations for the fiscal year 1987 for 2 more days until the Congress can agree on a full-year budget.

The Congress has been informed of the administration's position on a continuing resolution, including provisions that warrant my veto. As I had previously made clear, the provision included in this resolution providing for the rehire of air traffic controllers who engaged in the 1981 strike is totally unacceptable. I cannot accept this and certain other provisions included in this measure.

The administration will continue to work closely with the Congress to reach agreement on an acceptable full-year continuing resolution. The Congress has had over 8 months to do its job, and complete action on fiscal year 1987 appropriations. The time for action is long past due.

RONALD REAGAN.

THE WHITE HOUSE, *October 9, 1986.*

The SPEAKER. The objections of the President will be spread at large upon the Journal, and the message and the joint resolution will be printed as a House document.

Mr. WHITTEN. Mr. Speaker, I move that the message, together with the accompanying joint resolution, House Joint Resolution 748, be referred to the Committee on Appropriations.

The SPEAKER. The question is on the motion offered by the gentleman from Mississippi [Mr. WHITTEN].

The motion was agreed to.

LEGISLATIVE PROGRAM

(Mr. LOTT asked and was given permission to address the House for 1 minute.)

Mr. LOTT. Mr. Speaker, I have requested this time so I could possibly get the distinguished majority leader or whip to tell us what the schedule is for tomorrow.

Mr. Speaker, a number of the Members are asking what we could anticipate in the way of a schedule tomorrow. I know that beyond that it is pretty hard to say at this point, but if the distinguished majority leader would give us an idea, will we be coming in at 10 o'clock? What will be our schedule tomorrow?

□ 2255

Mr. WRIGHT. Mr. Speaker, will the gentleman yield?

Mr. LOTT. I yield to the gentleman from Texas.

Mr. WRIGHT. Mr. Speaker, we will come in at 10 o'clock tomorrow and we would expect to conclude our business by 3 o'clock tomorrow.

We will have some unanimous-consent requests and a vote on the rule and a vote on the continuing resolution, hoping to fulfill the commitments that we made yesterday to extend the continuing resolution in toward the middle of next week so as to provide breathing space.

Mr. LOTT. As I understand it, there could be a couple of votes on that because there is a motion to recommit with instructions, is that correct?

Mr. WRIGHT. I think that is altogether possible.

The SPEAKER. The Chair would hope that there would be some reports on conferences.

Mr. WRIGHT. Conference committee reports, of course. We earnestly hope that there will be affirmative movement so that we can have a conference report on the reconciliation bill, for one thing, and the clean water bill, as I understand, is nearing readiness and may be right for our consideration tomorrow.

Mr. LOTT. Does the distinguished majority leader care to make any further comments? We realize there may be some other conference reports that may come up, and we do not know what will happen on reconciliation. We have conference reports before the Rules Committee.

But the membership would need to know that we will be through at 3 o'clock, and we should expect at least three and maybe more votes, is that correct?

Mr. WRIGHT. That sounds plausible to me.

Mr. LOTT. I thank the gentleman.

EXTENDING EXCLUSION FROM FEDERAL UNEMPLOYMENT TAX OF WAGES PAID TO CERTAIN ALIEN FARMWORKERS

Mr. FORD of Tennessee. Mr. Speaker, pursuant to House Resolution 580, I call up the bill (H.R. 5679) to extend the exclusion from Federal unemployment tax of wages paid to certain alien farmworkers, and ask for its immediate consideration.

The Clerk read the bill, as follows:

H.R. 5679

Be it enacted by the Senate and House of Representatives of the United States of America in Congress assembled, That Secton 3306(c)(1)(B) of the Internal Revenue Code of 1954 is amended by striking out "before January 1, 1988,' and inserting in lieu thereof 'before January 1, 1993,'."

The SPEAKER. Pursuant to House Resolution 580, the gentleman from Tennessee [Mr. FORD] will be recognized for 5 minutes and the gentleman from Tennessee [Mr. DUNCAN] will be recognized for 5 minutes.

The Chair recognized the gentleman from Tennessee [Mr. FORD].

Mr. FORD of Tennessee. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, H.R. 5679, provides for a 5-year extension of the current exclusion from Federal unemployment tax of wages paid to certain alien farmworkers. This extension was adopted by the Committee on Ways and Means as an amendment to H.R. 3810. This was the only revenue provision in the House bill. In light of our intention to make the House bill an amendment in the nature of a substitute to S. 1200, the committee requested that the FUTA provision be considered separately. This procedure will allow for the extension, while preserving constitutional prerogative of the House to originate revenue measures

I urge the adoption of the bill.

Mr. DUNCAN. Mr. Speaker, I yield myself such time as I may consume.

Mr. Speaker, I support the passage of H.R. 5679. H.R. 5679 merely contains the one provision of the Ways and Means Committee action on the Immigration bill, H.R. 3810, which affects the Internal Revenue Code.

Under current law immigrant agricultural workers who enter the country under the H-2 program are excluded from the unemployment compensation system. This means that the H-2 agricultural workers are not eligible for unemployment benefits and their employers do not have to pay the unemployment payroll tax with respect to their wages.

This feature of current law is scheduled to expire on December 31, 1987. One provision of H.R. 3810 approved by the nontax writing committees would have removed this sunset date. That is, it would have made permanent the exclusion of H-2 workers from the unemployment system. The Ways and Means Committee agreed without dissent that it was undesirable to remove the sunset permanently. Instead the committee agreed that the expiration date should be extended to December 31, 1992. H.R. 5679 reflects this decision by the Ways and Means Committee.

I support the passage of H.R. 5679.

Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

Mr. FORD of Tennessee. Mr. Speaker, I have no further requests for time and I yield back the balance of my time.

The SPEAKER. Under the rule, the previous question is ordered.

The question is on the engrossment and third reading of the bill.

The bill was ordered to be engrossed and read a third time, and was read the third time.

The SPEAKER. The question is on the passage of the bill.

The question was taken; and the Speaker announced that the ayes appeared to have it.

Mr. SENSENBRENNER. Mr. Speaker, I object to the vote on the ground that a quorum is not present and make the point of order that a quorum is not present.

The SPEAKER. Pursuant to clause 5 of rule I, further proceedings on this question will be postponed. The vote will be taken tomorrow.

The point of no quorum is considered withdrawn.

GENERAL LEAVE

Mr. LUNDINE. Mr. Speaker, I ask unanimous consent that all Members be permitted 5 legislative days in which to extend their remarks and to include therein extraneous material on House Resolution 582, which passed the House today.

The SPEAKER pro tempore (Mr. ENGLISH). Is there objection to the request of the gentleman from New York?

There was no objection.

GENERAL LEAVE

Mr. LUNDINE. Mr. Speaker, I ask unanimous consent that all Members be permitted 5 legislative days in which to extend their remarks and to include therein extraneous material on the bill, S. 2129, which passed the House today.

The SPEAKER pro tempore. Is there objection to the request of the gentleman from New York?

There was no objection.

CHICAGO'S 1986 COLUMBUS DAY PARADE

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Illinois [Mr. ANNUNZIO] is recognized for 5 minutes.

Mr. ANNUNZIO. Mr. Speaker, the renowned Italian navigator, Christopher Columbus, discovered America 494 years ago on October 12, 1492, and Chicagoans will again celebrate this monumental event in the history of the world with a gigantic parade on Monday, October 13.

This year, we shall be honored to have the Vice President of the United States, the Honorable GEORGE BUSH, joining us and leading the parade. Other participants in this event will include Mayor Harold Washington of the city of Chicago; Gov. James R. Thompson of the State of Illinois; Congressman MARTY RUSSO; Dr. Leonardo Baroncelli, Consul General of Italy; and many other civic and political dignitaries, as well as myself.

The parade will not only pay tribute to Christopher Columbus, the father of all immigrants, but also it will recognize the numerous lasting contributions of all Americans of Italian descent to our beloved America, for Italian culture, history, and traditions have been fundamental to the development of our country and all Western civilization.

Mr. Speaker, the President of the United States, the Honorable Ronald Reagan; the Governor of the State of Illinois, the Honorable James R. Thompson; and the mayor of the city of Chicago, the Honorable Harold Washington, have issued proclamations commemorating the discovery of America by Columbus, and copies of these proclamations follow:

COLUMBUS DAY, 1986

(By the President of the United States of America)

A PROCLAMATION

Each year, we are privileged to honor Christopher Columbus, whose epic voyages of discovery shaped the development of the Western Hemisphere. This great explorer won a place in history and in the hearts of all Americans because he challenged the unknown and thereby found a New World.

Columbus remains loved today. With his faith, vision, and courage, he could navigate beyond his world's horizons. He left a wide wake for all those to follow who would dream as he dreamed, who would defy the naysayers and dare to strive for new goals. Follow him they did; and may they ever do so, those who would make the New World ever new with all the ingenuity, energy, and boldness they have.

Americans of Italian descent are proud to say that Columbus, a son of Genoa, was the first of many Italians to come to America and a powerful reason the United States and Italy share the unique friendship they do. Those of Spanish descent likewise point out that Spain made Columbus's voyages possible and that he is the first link in the friendship of the United States and Spain. All Americans share in this just pride.

We are nearing the year 1992, when the world will celebrate the 500th anniversary of Columbus's first voyage to the Americas. The Christopher Columbus Quincentenary Jubilee Commisson, a distinguished group of Americans aided by representatives from Spain and Italy, held its initial working sessions in Chicago, Miami, and San Juan, cities that are planning major commemorative events in 1992. It also began a report to the Congress, to be delivered in September 1987, that will make recommendations about our Nation's observance of the celebration.

The passage of time—nearly half a millennium—has not dimmed the glory of the Admiral of the Ocean Seas, nor could it ever.

In tribute to Christopher Columbus, the Congress, by joint resolution approved April 30, 1934 (48 Stat. 657), as modified by the Act of June 28, 1968 (82 Stat. 250), has requested the President to proclaim the second Monday in October of each year as "Columbus Day."

Now, therefore, I, Ronald Reagan, President of the United States of America, do hereby proclaim Monday, October 13, 1986, as Columbus Day. I invite the people of this Nation to observe that day with appropriate ceremonies in honor of this great explorer. I also direct that the flag of the United States be displayed on all public buildings on the appointed day in honor of Christopher Columbus.

In witness whereof, I have hereunto set my hand this eighth day of October, in the year of our Lord nineteen hundred and eighty-six, and of the Independence of the United States of America the two hundred and eleventh.

RONALD REAGAN.

STATE OF ILLINOIS

PROCLAMATION

Whereas, every American knows what historic even occurred in 1492, for in that year the history of the world took a dramatic leap. The voyage of Columbus, which spurred further exploration of the New World, is celebrated annually throughout the land; and

Whereas, Columbus and many other distinguished Italians have contributed to the growth of civilization. The Italian community is joined by Americans of every ethnic background in recognizing Columbus Day; and

Whereas, Italian-American residents in Illinois will be sponsoring their 30th annual Columbus Day Parade to honor their native hero;

Therefore, I, James R. Thompson, Governor of the State of Illinois, proclaim October 13, 1986 as Columbus Day in Illinois.

JAMES R. THOMPSON,
Governor.

CITY OF CHICAGO

PROCLAMATION

Whereas, The Joint Civic Committee of Italian-Americans (JCCIA), is sponsoring its annual COLUMBUS DAY PARADE on October 13, 1986; and

Whereas, the courage and visionary wisdom displayed by Christopher Columbus in his intrepid voyage of discovery is exemplary of the Italian-American community; and

Whereas, those qualities of our Italian-American brothers and sisters are evident in the many contributions to the arts, politics, sports and socio-economic life of Chicago; and

Whereas, this year's parade honoring the great navigator is dedicated to Liberty and Immigration—the Italian American Experience:

Now, therefore, I, Harold Washington, Mayor of the City of Chicago, do hereby proclaim October 13, 1986 to be Columbus Day in Chicago and urge citizens to be cognizant of the events held in connection with this historical observance in honor of the great navigator, Christopher Columbus.

Dated his 12th day of September, 1986.

HAROLD WASHINGTON,
Mayor.

Mr. Speaker, Chicago's Columbus Day celebration will begin at 9 a.m. with a Concelebrated Mass at Our Lady of Pompeii Church. An introduction will be given by Theresa Petrone, theme coordinator of this year's parade, before the Mass begins. Anthony Pope will serve as commentator, and the lectors will include Marie Davino and Tina Amico. The prayer of the faithful will be offered by Ron Onesti, and the members of the offertory procession will include: Rhonda Lee Frederick,

who was chosen queen of this year's Columbus Day Parade; Fred Natale, who will portray Christopher Columbus in this celebration, Marie Palello, secretary of the Joint Civic Committee of Italian Americans, and Ann Sorrentino, costume chairwoman of this year's parade. Music will be provided by the Italian Cultural Center Choir, under the direction of Josephine LiPuma; and the orgnists will be Lawrence Salvador and Frank Pugno. Serving as ushers will be Nick Bianco, John DeBella, Anthony Lanzito, Mike Palello, Anthony Pilas, and Lawrence Spallitta.

The principal celebrant will be the Most Reverend Alfred Abramowicz, Auxiliary Bishop of Chicago, and the homily will be given by Rev. Nicholas Marro, C.S., Borromeo Church. Other concelebrants will include Rev. Charles V. Fanelli, St. John Baptist Vianney Church; Rev. James V. Flosi, St. Luke Church; Rev. Leonard H. Mattei, St. Cyprian Church; Rev. Ronald E. Scarletta, Immaculate Conception of the Blessed Virgin Mary Church; Deacon Frank Di Vita, Divine Providence Church; Rev. Lawrence Cozzi, C.S., Villa Scalabrini; and Rev. Angelo Carbone, Our Lady of Pompeii Church.

The Fourth Degree Knights of Columbus will serve as the honor guard, and following the Mass, breakfast will be prepared and served by the Mothers Club of Our Lady of Pompeii Church, with Josephine Messina as chairperson. Also, there will be a wreath-laying ceremony at the Columbus State in Arrigo Park. Thomas Baratta and Sam Garnello of the Order of the Sons of Italy in America will coordinate this event, aided by the color guard of the Italian-American War Veterans. The invocation at the wreath-laying ceremony will be given by Bishop Abramowicz, and the master of ceremonies will be Leonard Giampietro. The posting of the colors will be under the direction of Michael Tosi, State of Illinois Commander of the Italian-American War Veterans.

Chicago's monumental Columbus Day Parade will step off from the corner of Dearborn and Wacker Drive at 1 p.m., and will include over 200 floats, bands, and marching units depicting the theme of this year's parade, "Liberty and Immigration—the Italian American Experience," with floats honoring Italian Americans who have contributed to the strength and greatness of our Nation. Colorful floats especially designed for the occasion will carry members of the Italian-American community wearing authentic costumes from the 19 regions of Italy. The Coro Tre Pini, the world renowed Italian Choir from Padua, will also participate in this year's parade. Coordinating the float personnel will be Lawrence Spallitta, and chairman of the parade marshalls will be Marco De Stefano.

Other individuals who will be playing an important part in the success of this year's parade are Leonard Giampietro, finance and souvenir book chairman, and John Porcelli, cochairman; Ernie Kumerow, chairman of the Labor Committee; Dominic DiFrisco, cochairman, and Theresa Petrone, cochairperson of program and arrangement; Rev. Lawrence Cozzi, C.S., chairman of the religious program and organizations, Rev. Leonard Mattei, cochairman; Nello Ferrara, general chairman of the 1986 parade, and James Coli, grand marshal; as well as all of the members who have so tirelessly served on these committees and the officers and trustees of the Joint Civic Committee of Italian Americans.

The parade will be televised locally on WGN-TV in Chicago from 1 p.m. to 2 p.m., and this cable station with its capabilities of reaching more than 30 states, will afford millions of people the opportunity to watch this year's gala event. The sponors for this year's parade include Dominick Di Matteo of Dominick's Finer Foods; Anthony Fornelli of Festa Italiana; Nello Ferrara of Ferrara Pan Candy Co.; Joe Rizza of Rizza Ford; Anthony Terlato of Paterno Imports; Alitalia Airlines; and Anheuser Busch, Inc.

One of the highlights of Chicago's Columbus Day celebration is the election of the queen of the parade. This year, judged on her beauty, poise, and personality, Rhonda Lee Frederick of Oak Lawn, IL, was chosen to reign as Queen of the Columbus Day Parade, and she received $1,000 as a prize from the Joint Civic Committee of Italian Americans.

The members of the Queen's Court include Rebecca Ann Kirch of Elmhurst, IL; Tracy Varchetto of LaGrange Park, IL; Maria Tassone of Chicago, IL; and Laura Bondarenko of Schaumburg, IL.

The chairman of the Queen's Contest was Fred Mazzei, and the cochairperson was Josephine Bianco. Judges for the contest included Frank Cacciatore, former director of the State of Illinois Film Office; Gilbert Cataldo, executive director of the Illinois International Port—Lake Calumet; Barbara Dardones, personnel consultant; Dr. John Drammis, Jr., cosmetic plastic surgeon and director of the Cosmetic Surgery Center of Chicago; Rose Farina, manager of events in the Richard J. Daley Center for the Chicago of Fine Arts; Dr. Carl Tintari, consmetic dentist and founder and director of the Midwest School of Facial Aesthetics; Laura Spingola, president of Trade Resources Ltd.; and Joseph M. Caliendo, fur fashion designer and coordinator.

Each year, the Joint Civil Committee of Italian Americans, comprised of more than 40 Italo-American civic organizations in the Chicagoland area, sponsors the Columbus Day Parade and other related activities. Many local groups are cooperating with the Joint Civic Committee of Italian Americans in this community-wide tribute to Columbus, and Anthony Sorrentino, executive director for the JCCIA, is again helping to coordinate the many varied activities as he has done in the past.

Our grand Columbus Day celebration will close with a reception at 3:30 p.m. at the Como Inn Restaurant in Chicago, in honor of our guests, the officers, subcommittee chairman, and members are participating in making the 1986 Columbus Day Parade a memorable event.

On this 17th celebration of Columbus Day as a national holiday, I am honored to participate again as honorary parade chairman in this celebration. The members of the Joint Committee of Italian Americans are to be commended for their continuing and dedicated hard work and the imaginative creativity that goes into the planning of an outstanding patriotic event such as Chicago's Columbus Day parade. Our community and our city are proud of all those who are participating in the 1986 Columbus Day Parade in Chicago and thereby insuring its overwhelming success.

Mr. Speaker, the officers and members of the 1986 Chicago Columbus Day Parade Committee are as follows:

LIST OF OFFICERS AND MEMBERS OF CHICAGO'S COLUMBUS DAY PARADE

COLUMBUS DAY PARADE COMMITTEE

Nello Ferrara, General Chairman 1986; James Coli, Grand Marshal.

HONORARY CHAIRMEN

Congressman Frank Annunzio, Congressman Marty Russo, and Dr. Leonardo Baroncelli, Consul General of Italy.

JCCIA OFFICERS

Charles C. Porcelli, president, Carl De Moon, first vice president, Leonard Giampietro, second vice president, Anthony Terlato, Third vice president, Fred Bartoli, fourth vice president, Fred Mazzei, fifth vice president, John DeBella, treasurer, Josephine L. Ortale, secretary, Thomas Baratta, Sergeant-at-arms, and Anthony Sorrentino, executive director.

BOARD OF TRUSTEES

Richard Parrillo, chairman, Congressman Frank Annunzio, vice chairman, Michael Annecca, Fred Bartoli, Anthony Bertuca, Victor Cacciatore, Jerry Campagna, Representative Ralph Capparelli, Michael Cardilli, Gilbert Cataldo, Michael Coccia, and James L. Coli.

Senator John D'Arco, Jr., Representative James De Leo, Pat De Leo, Dominick Di Matteo, Marco Domico, Nello Ferrara, Anthony J. Fornelli, Paul Fosco, Anthony Fratto, Fire Commissioner Louis Galante, Leonard Giampietro, and Dr. James F. Greco.

Ernie Kumerow, Joseph Lizzardro, Jr., Steve Lombardo, Charles LoVerde, Frank Mancari, Joseph Marchetti, Pat Marcy, Jr., Joseph Mazza, Michael R. Notaro, Charles C. Porcelli, and John C. Porcelli.

Nunzio Raimondi, Ciro Rossini, Dr. Salvatore Rotella, Dr. Mario O. Rubinelli, John Sepico, Dr. Raffaele Suriano, Anthony Terlato, Joseph Tolitano, Lester Trilla, Phillip Zinni, and Jerome N. Zurla.

CHAPLAIN

Rev. Armando Pierini, C.S.

THEME COORDINATION

Theresa Petrone

RELIGIOUS PROGRAM AND ORGANIZATIONS

Rev. Lawrence Cozzi, C.S., chairman, Rev. Leonard Mattei, cochairman, Rev. Armando Pierini, C.S., adviser, Nick Bianco, John DeBella, Michael Fortino, Mike Palello, Elvira Panarese, Chief Anthony Pilas, Anthony Pope, and Lawrence Spallitta.

AUTHENTIC ITALIAN COSTUMES

Ann Sorrentino, chairperson, Elena Frigoletti, Mary Spallitta, and Pauline Jo Cusimano.

FINANCE AND SOUVENIR BOOK

Leonard Giampietro, chairman, John Porcelli, cochairman, Ann Sorrentino, and Angeline Annunzio.

LABOR COMMITTEE

Ernie Kumerow, chairman, James Coli, Robert LoVerde, Angelo Fosco, Charles LoVerde, Tony Judge, Armando Fosco, Chuck Spranzo, John Serpico, Bruno Caruso, Mike Coli, and John Coli.

BANDS, MARCHERS, TRANSPORTATION, AND FLOATS

Marie Palello.

PROGRAM AND ARRANGEMENTS

Dominic DiFrisco, cochairman, Theresa Petrone, cochairperson, Alderman William Banks, Anthony Fornelli, James De Leo, Charles C. Porcelli, and Leonard Giampietro.

QUEEN CONTEST

Fred Mazzei, chairman, Josephine Bianco, cochairperson, Anita Louise Biance, Marie Palello, Mike Palello, and Josephine Ortale.

FLOAT PERSONNEL

Lawrence Spallitta, chairman.

PARADE MARSHALS

Marco DeStefano, chairman, Larry Battisti, Rocco Bellino, John DeBella, Nick Bianco, Pasquale Caputo, Ettore Di Vito, Neil Francis, Frank A. Lato, Mike Palello, Joseph Pantaleo, Anthony Pilas, Louis Rago, and Ron Onesti.

STAFF PHOTOGRAPHER

Sam Bruno.

WOMEN'S DIVISION

Marie Davino.

WEST SUBURBAN WOMEN'S DIVISION

Tina Amico.

YOUNG ADULT DIVISION

Ron Onesti.

COORDINATOR

Anthony Sorrentino and Marie Palello.

OFFICE VOLUNTEERS

Russell Anderson, William Travers, Joan Piraino, Rose Ann Rabiola, Jo-Anne Frisa Cole, Nancy Savino, Ann Sorrentino, Ann Yelmini, Josephine Ortale, Amadeo Yelmini, Lucille Brahill, and Rose Ortale.

NORTH CAROLINA STUDENT WINS PHYSICS OLYMPIAD HONOR

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from North Carolina [Mr. ROSE] is recognized for 5 minutes.

Mr. ROSE. Mr. Speaker, Philip Daniel Mauskopf, a recent high school graduate from Durham, NC, was one of five finalists to represent the United States at the International Physics Olympiad. It is a prestigious honor just to partake in the Olympiad which is widely recognized as an important event in Europe. Philip Mauskopf received a bronze metal for his outstanding performance. With so many serious questions existing today about the quality of education in the United States, it is reassuring to read about high school students who are extremely knowledgeable in physics and have the opportunity to compete against other students from various countries. Our education system needs to make sure that many more students are capable of reaching their maximum potential. This is recounted in an article entitled "US students gain bronzes in first crack at Physics Olympiad" in the September 1986 issue of Physics Today.

U.S. STUDENTS GAIN BRONZES IN FIRST CRACK AT PHYSICS OLYMPIAD

(By Irwin Goodwin)

Ask any American about the International Physics Olympiad and the response is likely to be a vacant stare. In Europe and some Far East countries, however, the event sometimes receives the recognition usually given the Olympic games. Modeled on those venerable and venerated Olympic contests for gifted athletes from all over the world, the Physics Olympiad was first run in 1967, but until last July no American has taken part. Now, however, US high school students are considered worthy competitors, for three young Americans have taken bronze medals in the Olympiad their first time out.

It is something to celebrate. "We are right to be proud of our team," says Jack M. Wilson, executive officer of the American Association of Physics Teachers, principal sponsor of the US team. "When the idea of entering the Physics Olympiad first came up a few years ago, many were skeptical. Someone even predicted we would end up sending a US team with 20 kids of Asian descent, all from the Bronx High School of Science."

That didn't happen. By 17 June, after three run-offs, there were 20 team members from a remarkable diversity of locations and origins. Among them were Bryan Beatty of Greer, South Carolina; Golda Bernstein of Tuscon, Arizona; Cathryn Carson of Chevy Chase, Maryland; Mason Ng of New York City; David Kreithen and Sanjoy Mahajan of Pittsburgh; David Norman of Bountiful, Utah; Mikael Thompson of Fort Worth and Ali Yegulalp of Teaneck, New Jersey. "When the team list came out, the critics were silenced," Wilson recalls.

The five finalists represented the US in its engaging pluralism:

Paul Graham, graduate of Cherry Creek High in Englewood, Colorado, a member of the Colorado Junior Academy of Science and a National Merit Scholarship winner, possesses among his distinctions a sharp wit. Asked in his application for any thoughts on physics, he wrote: "Reality is relative. Unfortunately, relatives are often reality."

Howard Haruo Fukuda, graduate of Iolani School in Honolulu, collects football cards, postage stamps and comic books, though his most prized hobby, he indicated on his application, is computer programming.

Philip Daniel Mauskopf, graduate of the North Carolina School of Science and Mathematics in Durham, spent the past two summers working in semiconductor labs, mainly in uv-visible sepectorscopy; he also is a violinist with the Piedmont Youth Symphony and several chamber groups. In his application he noted: "I find the most interesting facet of physics is the comparisons and examples of discrepancies. Physics diverages to the greatest extent from 'common sense' when dealing with very small or very large-scale phenomena, or very low or very high-energy phenomena, because these are not part of everyday experience. Quantum mechanics and cosmology pose problems that cause us to contemplate philosophical questions such as cause and effect (Schröinger's cat) and our own origin (Big Bang) in a new light, with a different viewpoint. That's why I enjoy physics, especially theoretical physics."

Srinivasan Sheshan, graduate of Thomas Jefferson School for Science and Technology in Alexandria Virginia, sent with his applicaton a page-long list of academic honors and accomplishments, including an IBM-Watson Scholarship, a University of California Regents Scholarship and an honor's award in the 1986 Westinghouse Science Talent Search. A resident of Reston, Virginia, Sehshan is working this summer at an IBM laboratory in nearby Manassas.

Joshua R. Zucker, 11th year student at Palisades High in Pacific Palisades, California, placed first in California's Science Day physics competition earlier this year and won a National Merit Scholarship to attend Stanford University this fall. At the age of 16 he was the youngest member of the US Olympiad team. An accomplished orator, he holds a 10-2 record in high school debating contests and placed fifth in statewide competition. His other specialties include Ultimate Frisbee, flute-playing, tennis, chess and computers.

The five finalists emerged after a grueling series of tests and trials. It is somwhat astonishing that the US fielded a team for the 17th International Physics Olympiad at all, considering its late start. The idea of entering the Olympiad was first broached by Wilson in late 1984 and brought before the Governing Board of the American Institute of Physics early in 1985. To explore the proposal the AIP board decided to send Ronald D. Edge, a physicist at the University of South Carolina, and Arthur Eisenkraft, a physics teacher at Fox Lane High School, Bedford, New York, as observers to the Physics Olympiad at Portoroz, Yugoslavia, in July 1985.

On their return, Edge and Eisenkraft wrote reports urging US participation. Despite their excitement, some board members expressed caution. Anthony P. French of MIT, for instance, examined the advantages and disadvantages of taking part in the Olympiad in a letter to board members. In it he observed that "Olympiad examinations are primarily a reflection of physics as taught in most European countries to students who have probably had at least three years of physics in high school, taught in a way to develop a high level of skill in analytical problem-solving. Similar examinations . . . have traditionally been used to select students for admission to universities. I myself came up through this route," explained French, who was born in Britain. "It was a demanding program for which I have always felt intensely grateful."

By contrast, French stated in his letter, "the high-school preparation that most students get in the US is not likely to equip them to compete successfully in such a contest. That is the main reason why, initially, I myself was quite opposed to the suggestion that the US might field a team; I could see them being clobbered. . . . Also, some people would say that the approach to physics represented by traditional European syllabuses inhibits curiosity and creative spirit, that it has little to do with learning about nature and is not the sort of example that the U.S. should follow. So far as the *general* teaching of physics is concerned, I would tend to agree with that position" (see article, page 30).

But the question is not whether precollege physics in Europe is different or better than in the US," worte French, "but simply . . . whether a group of five or six bright students can be found who, with the help of some extra training, can make a good showing in the competition." The performance of US students in the 1984 Chemistry Olympiad and the Canadian team in its first Phsyics Olympiad last year, French asserted, convinced him that an American group "would acquit itself creditably." There are plenty of competent physics students in the US, if only they can be identified. "And such youngsters, exceptionally talented to begin with, would, I believe, revel in such competitions." noted French.

A CATALYST?

US participation in the Olympiads was unlikely to influence pre-college physics teaching programs in the US in any major way,

French claimed, "except perhaps as a stimulus to improve their quality an quantity. So far as I am concerned, the chief consideration is what I now see as a great opportunity to increase the visbility of physics in the public eye . . . . We physicists generally do a miserable selling job on the merits of our profession and the rewards that it can bring. The public understands competitive success. We talk a lot about role models; what better role model for a teenager interested in science than someone only a year or two older who has made the headlines on that basis? We shouldn't be relinquishing all such kudos to the athletes!"

At the AIP board meeting last March, Edge and Eisenkraft gave persuasive oral accounts of the Olympiad they monitored in Yugoslavia. French remembers that "Eisenkraft's enthusiasm for the Olympiad was so contagious, we were infected there and then." A report by a special committee of The American Physical Society also recommended support for US participation. The committee, headed by Neal Lane of Rice University, suggested that AIP should take the lead in gaining wide support for the event, which already wide support for the event, which already had the backing of APS and AAPT (PHYSICS TODAY, March, page 107).

In the end those three organizations were joined in sponsoring US activites for the Olympiad by the American Astronomical Society, the Optical Society of America, the American Association of Physicists in Medicine, Ford Mortor Co, IBM, Exxon Corp, Duracell Inc, John Wiley and Sons, Worth Publishers the University of Maryland.

In late March Wilson sent 20,000 letters to high school teachers and administrators urging them to nominate at least one physics student for the first round of tests. He suggested that they refairn from just going ahead and nominating their best student currently in class, but rather choose only those they regarded as best compared against the best in the past decade or so. Some schools submitted two names. The Bronx High School of Science named three.

A month later the schools administered a multiple-choice test of 40 physics questions and 2 open-response problems drawn up by AAPT to nearly 200 students in their 11th and 12th years. The 50 top scorers took another written test. From these, AAPT found 23 who qualified for the special training session leading to the Olympiad.

Of those, three were already committed to the Chemistry or the Mathematics Olympiad and therefore could not participate in the physics meet. The reamaining 20 attended a ten-day training session in the physics building on the University of Maryland campus. They spent most of their days working over questions from prior Olympiads. There were also crash courses, such as a 2½-hour session on optics, which was the first time most of them had encountered the subject. "I never learned optics in school. It proved to be crucial in the Olympiad test," says Mauskopf. "I amazed myself by how much I remembered from the cram course." Zucker and Sheshan would have liked a longer training session to bone up for the Olympiad. "We felt queasy about not having more experience in the lab. We expected the Europeans to be better trained at lab work than we were," Zucker observes, "and that put us at a disadvantage." Recognizing a gap in his knowledge, Graham taught himself thermodynamics before going to Maryland.

While the group wanted to do well, perhaps even taken home some medals, Esienkraft advised the students not to worry about winning. "He told us the first year was basically a throwaway," recalls Graham. "But in our hearts we really wanted to win."

CAMARADERIE

When the Americans met the 100 young contestants from 20 other countries at the Harrow School, north of London, England, on 13 July, any thoughts of an intense rivalry fled. "We were among like-minded people, despite the different languages and cultures," says Sheshan. They debated Bell's inequality and the significance of the Einstein-Podolsky-Rosen paradox. Mauskopf played basketball with a youth from Poland who had been to the Olympiad in Yugoslavia the year before. The Cubans kept beating the US team members at pool. Zucker taught Bulgarians, Chinese, Cubans and Turks to play Ultimate Frisbee, resulting in one broken arm. They visited museums and historic places in London, saw the Cavendish Lab. in Cambridge and ate fish and chips as part of their British experience.

After the fun and games came the tests at Harrow. The tests took five hours on each of two days, The first test consisted of three lengthy questions drawn up by the British hosts and the second was administered under lab conditions. Mauskopf wrote the answers to one theoretical question over 20 pages, setting the record for length in this year's Olympiad, He also solved one problem with an elegant use of Lagrangian equations—the only contestant to employ this technique. In one lab test requiring rainbow angles to be detected by spectroscopy in a water droplet, Mauskopf was awarded a zero for measuring the supplements of the angles rather than the angles themselves. Einsenkraft and Edge argued that the answer was absolutely correct for the supplemental angles, and the judges finally gave Mauskopf 25% for the answer.

"We didn't have any notion of how we came out until the winners were announced on the last day," says Sheshan. That ceremony took place in Harrow's New Speech Room, a semicircular hall with stained-glass windows and a pipe organ. It came as no surprise that the USSR took three of the four gold medals, while the fourth went to a student from Romania. The Team from China won a silver and bronze. England and both Germanys took silver medals. Graham, Mauskopf and Zucker were awarded bronze medals, while Fukuda and Sheshan missed getting honorable mentions by less than two points overall.

"It was a satisfying, difficult competition," says Mauskopf. "If we had more experience and more training, we might have done a little better. Even so, we were happy to have done so well. To hear the other contestants tell it, in most of Europe, the Olympiad serves as a basis for a rigorous series of physics courses and exams. In our country we do things differently." "I'm glad I went and did so well," asserts Graham. He and Zucker will be attending Stanford this fall; Mauskopf is going to Harvard, Sheshan to the University of California at Berkeley and Fukuda to Carnegie-Mellon University.

Wilson, Eisenkraft and Edge are thrilled by the showing of the US team and preparing for next year's Physics Olympiad, to be held in Jena, East Germany. Says Eisenkraft: "I'm convinced the Physics Olympiad will excite both students and the system to aspire to greater achievements in much the same way that the Olympic games stimulate athletes to compete. In my mind's eye, I see physics becoming as glamorous as any competitive sport."

ADDRESS AT BROWN UNIVERSITY BY SENATOR J. WILLIAM FULBRIGHT

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from Arkansas [Mr. ALEXANDER] is recognized for 5 minutes.

Mr. ALEXANDER. Mr. Speaker, this weekend the leaders of the United States and the Soviet Union will sit sown to discuss matters of international security. Their perspective on each other, their understanding of each other's country, and their perception of world events, inevitably is shaped by the depth and breadth of their education enriched by their separate personal experiences in world affairs.

I know many of my colleagues share my hope that Secretary Gorbachev really does understand that we Americans seek, above all else, a peaceful world; that we really believe that the money we spend on our military might is not intended to inspire a war, but to prevent one; that our actions around the world are not intended to provoke violence, but to contain it. I wish I could host the Russian leader in my district in Arkansas so that he could see for himself what Americans are really like. I would like to think that he goes to Iceland with a knowledge of our people based on his own experiences, and not on a memorandum prepared by bureaucrats in the Kremlin or news summaries composed by the staff of Pravda. How many times can each of us recall instances in world history where fatal decisions were influenced more by ignorance and misconception than by truth and understanding?

Last month my friend, and our former colleague, the Honorable J. William Fulbright of Arkansas, delivered the keynote address at the Inauguration of the Institute of International Studies at Brown University. To many throughout the world Bill Fulbright is well known for his contribution to world peace through the Fulbright scholarships. He understood long ago that understanding of foreign cultures and governments is indispensable to the advancement of international cooperation. He actively encouraged young people from throughout the world to reach beyond that which is parochial and familiar into a world filled with diversity and change.

His message at Brown University is sobering. His words direct. As always, his thoughtfulness and compassion remind us of his many great acts of statesmanship and courage. So eloquent and enlightening is the message that I obtained a copy of his address so that others might have access to it. I commend to my colleagues this important address.

INTERCULTURAL EDUCATION

I do not easily find the words to express my appreciation of the honor you bestow on me this evening. It lifts ones spirits to be recognized by Brown University for any reason, but I am especially honored that in this instance your approval is related to the Educational Exchange Program and my role in its creation.

My pleasure on this occasion is enhanced by the fact that one of my favorite nephews, Kenneth Kelly, is presently in his second year on your campus and by my memories of good friends past and present, who are identified with your State and with this University. Among these are such names as Theodore Francis Greene, Claiborne Pell, John Pastore, John, Anne and Carter Brown whose ancestors were responsible for the creation of this magnificent institution. In addition to these fine people, one of the truly wise and generous benefactors of Brown, the Honorable Tom Watson, is also a friend and benefactor of my Alma Mater, the University of Arkansas. I had the honor of serving on the Board of Regents of the Smithsonian Institution with Mr. Watson for several years.

During those years I came to admire him and his charming wife Olive. Since then his service as our Ambassador in Moscow and his views about our relations with the Soviet Union have increased my appreciation of his wisdom and judgment.

On this 40th anniversary of the enactment of the Educational Exchange Program is an appropriate time to recall the circumstances of its origin and its purpose.

The year 1945 marked a profound break in the thread of human history. In the wake of the two world wars. Europe, hitherto the center of the world power and culture, lay ruined and demoralized, its preeminence lost, apparently, as it then seemed, beyond retrieval. Russia had suffered the loss of more than 20 million of its population; China had suffered similarly under the impact of both invasion and civil war; and the great cities of Japan were reduced to ashes. Most of this had taken place even before the dropping of the atomic bombs on two Japanese cities. The advent of nuclear weapons, made it abundantly clear—if it were not clear already—that warfare among great nations had become suicidally irrational and unacceptable to civilized peoples.

The past, in the wake of such great catastrophe, seemed unable to provide models for peace and world order, or indeed for the survival of human life and civilization. As Albert Einstein advised in the 1945, after the destruction of Hiroshima and Nagasaki, "Now everything has changed except our manner of thinking. Thus we are drifting toward a catastrophe beyond comparison. We shall require a substantially new manner of thinking if mankind is to survive."

Against this background it occurred to me (then a recently elected United States Senator from the state of Arkansas) that a substantial exchange of students between the various nations would help to promote, however modestly, the new manner of thinking referred to by Einstein. There were two significant precedents in American history for using public funds for international education as an adjunct to our diplomacy—the Boxer Indemnity Fund and the Belgian American Foundation. (Precedents are important in the Senate.) With these examples in mind, recalling too the demeaning fruitless wrangle over war debts after the first world war, as well as my own experience as a Rhodes scholar in the twenties, in September 1945, a few days after atomic bombs destroyed two Japanese Cities, I introduced a bill providing for the use of foreign credits accruing to the United States from the sale of surplus war property for the financing of educational exchange. For political reasons I thought it best not to invite attention to the larger purposes of the legislation and to the profound changes I hope it would help to advance in international relations. I emphasized instead its modest scope and cost so as not to invite opposition from suspicious colleagues still imbued with the attitudes of traditional American isolationism. The bill was passed by the Congress and signed by President Truman on August 1, 1946.

Since that time the program has been several times renewed and refunded, with substantial contributions coming from other participating governments as well as the United States, and it is now generally accepted if not fully appreciated by political leaders who control our foreign policy.

I say "not fully appreciated" because although the political leaders in Washington speak approvingly of the Exchange Program, they attribute to it a very low priority in the allocation of funds. It is true that during the past four years the Congress has increased the appropriations, but it is also true that the number of grantees is still fewer than it was 25 years ago. It is evident that the political authorities in Washington fail to recognize that the Exchange Program is more than just a laudable experiment, but is a positive instrument of foreign policy designed to mobilize human resources, just as military and economic policies mobilize physical resources. The introduction of nuclear weapons and their unprecedented destructive power require greater attention, than in the past, to the avoidance of the *miscalculations* which result in conflicts. The avoidance of mistakes requires diplomacy and judgment by people with a thorough understanding of the issues and circumstances involved, with a background of experience and knowledge of the parties. In a word, the emphasis *should* now *shift* from how to make and win a war to how to avoid it.

The personal benefits to the individual participants are readily recognized, but the effect of the scholarships upon the political relations of the nations involved are less obvious. As in other educational programs, it requires several years for the results of the educational experience to become apparent. It is only when the students have matured and assumed their places in society, often in positions of considerable importance, that they can influence the attitudes and policies of their respective communities. The participants in the early years of the program have only recently been coming into positions of influence. But each year their numbers and influence increase and will continue to increase. About 156,000 men and women have participated in the Exchange Program, approximately one-third from the United States and two-thirds from other countries. The largest numbers are from the developed countries including Great Britain, Germany, France and the Scandinavian countries, Japan, but many too have come from less developed nations including China and India.

A very important feature of the program is the bi-national commissions in some 42 countries giving these countries equal participation in the formulation of the content and the direction of the program in their respective countries. One consequence of this feature is that 28 of these countries share the cost of the program, in some cases contributing more than the United States.

From time to time the suggestion has been made by authorities in Washington that the program should be funded by the private sector. The distinctive quality of the program originally was that it was the first large educational exchange supported by the money and prestige of the government. I am quite certain that if the U.S. government withdrew its financial support other governments would also and the program would have a very dubious future.

This program, to be effective, must be for the long term. It is quite complicated to administer, and the uncertainty of private funding would undermine its credibility. Contributions to the program by private donors are welcome, but the basic administrative structure should be stable and its finances assured.

It is most unfortunate that exchanges have been minimal where they are the most urgently needed between the United States and the Soviet Union. But in spite of serious political obstacles, the small Russian program has been effectively administered with well qualified participants and can be expanded if we wish to do so.

Since the Soviet Union is the source of our principal concern about the security of our country, it occurs to me that the expansion of the educational exchange program is far more relevant to that concern than is the present escalation of the arms race. As one respected authority on the subject recently put it, war requires deliberate decisions on the part of national leaders and it requires calculations that the gains to be derived from war will outweigh the probable costs, they do not just happen like earthquakes or tornadoes. As Lord Grey wrote of the first World War in 1914, "Nations are always making mistakes because they do not understand each others psychology." If the leaders of the Soviet Union and the United States have had the experience themselves or the advice of people who have lived and studied in the others country, they are more likely to correctly calculate the risks of war and to avoid the kind of mistakes the leaders of Germany and England made in 1914, the Japanese in 1941, and more recently the mistake of President Johnson in 1964. Leaders who can correctly calculate the consequences of a nuclear conflict between the Super Powers are better insurance against a conflict than is a larger stockpile of nuclear missiles or a dubious S.D.I. system.

I do not believe we should rely primarily upon machines for our security, no matter how sophisticated the machines may be. Our security depends upon the wisdom and the judgment of the men who make the crucial decisions, and their judgment in turn is dependent upon their experience with and knowledge of the opposition.

We do not have to approve of the social and political system of the Soviet Union, but it is unrealistic and a mistake not to accept its status as a great power. It is an illusion to believe that we can intimidate the Russians by military superiority or that we can force them into bankruptcy by outspending them for military weapons. The plain fact is that there is no reasonable prospect that we can eliminate or neutralize their ability to injure us with nuclear weapons, but there is at least a possibility that we can, by persistent and carefully designed programs of confidence building joint ventures, persuade them as well as ourselves of the advantages of more cooperative relations between us. By maintaining parity of military power, we can engage in cooperative joint ventures with little or no risk to our security.

The real challenge to the leaders of the United States, a challenge which I believe this University and its distinguished patron Ambassador Watson recognize, is one of psy-

chology and education in the field of human relations. It is a challenge we should welcome in place of the costly drive for nuclear superiority which undermines the strength of our economy.

As I have said before, political leaders in the United States tend to regard intercultural education as marginal or too slow or irrelevant to the conduct of international affairs, but I am quite certain they are mistaken. Intercultural education through its participants in positions of influence has the possibility of modifying the preeminence of military power as the primary guardian of our national security. Nuclear weapons have compromised the traditional role and effectiveness of military power as the guarantor of our security, except in their function as the deterrence in the principle of Mutual Assured Destruction as accepted by our government in the A.B.M. Treaty of 1972. However, in recent months the dynamism of the U.S. military establishment, unhappy with the restraint of deterrence, is moving to abandon that policy and proceed to an incalculable escalation of the arms race into outer space. To restrain and control this tendency to unlimited expansion requires political leaders who have the experience and the courage to turn the super powers away from such dangerous competition to a policy of cooperative coexistence. The alumni of the exchange experience, through their influence in the schools and the media can alter the way people think about foreigners with ideas and beliefs different from ours and about how to deal with them.

In our large and complex society the relatively small number of Fulbright Program alumni have had a significant but limited influence upon public affairs compared to its impact upon such countries in Western Europe and upon Japan. One aspect often overlooked is that it has inspired the creation of many similar government supported programs in other countries some of which are now larger in size than ours. Within our own country the program has a "multiplier effect." For every university professor whose outlook has been broadened by study in another country, many thousands of students will acquire a more accurate international perspective. For every business person who has studied in another country, many associates are likely to gain some appreciation of the essential futility of nationalist economic policies and of the way in which an international division of labor benefits all countries. For every politician or diplomat who, through study abroad, has gained some appreciation of the world as a human community, many of his colleagues or associates will be influenced away from parochial chauvinism to broader, more fruitful perspectives.

The essence of intercultural education is the acquisition of empathy—the ability to see the world as others see it, and to allow of the possibility that others may see something that we have failed to see, or may see it more accurately. That, I should think, is the most pressing necessity in superpower relations. This is not to suggest that, if Americans and Russians knew each other better, all animosity and rivalry would disappear. It hardly needs emphasis that we in the western democratic tradition will continue to deplore the harshness, the secretiveness, the suppression of ideas and the denial of personal freedom that characterizes authoritarian societies both communist and anticommunist.

That, however, is not what empathy requires. What it does require—applied to Russia for example—is an appreciation of the deep-seated fear, rooted in a harsh and tragic history, that the Russians feel for their borders and their security. As a wise and experienced American diplomat observed, "in order to live in peace with the Russians, Americans must stop denying them the right to their own view of reality. Russian political culture reflects Russian history and embodies what the Russian people, mistakenly or not, believe is necessary for their survival."[1]

The Russian view of reality based on these experiences is not without justification, not only from remote historical conflicts, but also from more recent experiences in which we have participated. The American people, however, do not believe that our country threatens the security of Russia, although in recent years they have been and are being urged to believe that Russia is a serious threat to us. Clearly, both countries, as a result of continuing provocative rhetoric and periodic offensive actions, have escalated the distrust of each other intentions to a dangerous degree.

I can think of no better way to describe the purpose of the exchange program we initiated forty years ago than to erode this distrust. Its essential aim is to encourage people in all countries, and especially their political leaders to stop denying others the right to their own view of reality and to develop a new manner of thinking about how to avoid war rather than how to wage it. For a powerful nation especially, a less adversarial, a more cooperative approach to other countries is more likely to moderate their view of reality than is the implicit threat in building more nuclear weapons. The Exchange Program is not a panacea but an avenue of hope, probably our best hope and possibly our only hope, for the survival and further progress of humanity.

It is to the nourishment of that hope that the Exchange Program and I believe the Thomas Watson Institute are dedicated. Finally, may I once again express my deep appreciation for the recognition you have given the Exchange Program and for the honor you have bestowed upon me.

OBSERVATIONS OF MY CAREER IN THE HOUSE OF REPRESENTATIVES

The SPEAKER pro tempore. Under a previous order of the House, the gentleman from New York [Mr. LUNDINE] is recognized for 60 minutes.

Mr. LUNDINE. Mr. Speaker, during these last days before I retire from the House, I want to make a few observations about my work here and some of the major problems facing the Congress in the future.

This statement is intended to be neither a history of my legislative record, nor an analysis of the major public policy decisions of the Congress during this period. I simply want to make a personal statement to you and my other colleagues about some of the issues which have been of deep concern to me and which may confront the Congress in the future.

Most of my observations today will be about legislation, but I would first like to say that one of the great joys of this job is the opportunity to make a positive difference in people's lives. It has been a privilege and honor serving the people of our district these last 10½ years. Their confidence is particularly appreciated since I'm the first person of my party to represent most of this district in over 100 years. The special confidence expressed by the constituents who typically vote for candidates from the other party has been a real inspiration to me.

Effective representation is not a one person job. At the outset of these remarks, I want to express my deep appreciation to all of the staff who have worked with me through these years. Their dedication, competence and commitment have been my greatest asset as a Congressman.

When I arrived here in 1976, I was convinced that economic growth and opportunity must be America's first priority and that improving our country's productivity was the key element in achieving that objective. I remain convinced today.

We cannot improve our standard of living and we cannot achieve noninflationary economic growth without productivity improvement. Its decline in the last two decades has resulted in an erosion of America's competitiveness and a standstill in our living standard. Without the economic growth that a healthy rate of productivity improvement allows, we cannot achieve the social progress we desire or even the national security we require.

The basic factors which affect productivity are capital, technology, regulation and human factors. I recognized that all of these elements were important a decade ago.

It seemed to me that we had to take action to free up more capital for private sector investment and reduce the regulatory drag on our economy. One of the reasons I have usually supported tax cuts is founded on the conviction that we must encourage greater savings and investments. I supported President Reagan's 1981 tax cut program. I also supported President Carter when he launched an anti-inflation program with the capable monetary leadership of Federal Reserve Chairman Paul Volcker in October of 1979. This action "broke the back of inflation" and as a result, business investment in the 1980's has not been thwarted by fears that the value of investments will be eroded by inflation. I supported both Presidents in deregulation measures designed to improve the efficiency of our markets through greater competition.

To increase productivity, I realized that we needed to support basic research and provide a way of translating our discoveries into usable technol-

[1] John M. Joyce, who served in the U.S. Embassy in Moscow 1973-76, and 1981-83, in "The Old Russian Legacy," *Foreign Policy*, Summer 1984, p. 152.

ogy. While we were maintaining our edge in basic research, the United States was falling behind our major competitors in the areas of applied research and technology development. I felt that we had to reverse this trend. It was for this reason that I sought a seat on the Science and Technology Committee so that I would have the opportunity to move Federal science policy toward a greater emphasis on innovation.

During my years on the Science Committee, we have taken some important steps in the right direction. The Small Business Innovation Research Act was passed in 1982 to provide support for small businesses with innovative research ideas that have commercial potential. The National Science Foundation has encouraged cooperation between businesses and universities and supported important engineering research. And, in 1984, the House passed the Manufacturing Sciences and Robotics Research and Development Act to provide assistance to basic industries for the development and implementation of improved manufacturing technologies.

During this Congress, due to the difficult budget situation, I felt we should focus on ways to make the most of our presently funded research and development programs. For this reason, I introduced legislation, which passed the House and Senate just this week, to open the doors of our Federal laboratories to the private sector. This measure, the Federal Technology Transfer Act of 1986, will give business, industry, State and local governments, universities and others access to the technology currently bottled up in our Federal laboratories. It will help put Federal technology to work to solve problems and create jobs.

The Science and Technology Committee also provided me with a forum to bring increased attention to the most important component of productivity, the human factor. In 1981, I initiated and chaired 6 days of hearings by the Science, Research and Technology Subcommittee on the human factor in innovation and productivity. I felt very strongly that we could not ignore the impact of new technology on the workforce.

Even prior to these hearings, I identified the human factors affecting productivity as the most neglected and probably the most important. Education is the fundamental foundaton for human resource improvement. That is why I have always given educational expenditures the very highest priority during my terms in Congress.

We in the Congress made a great commitment in the mid-1970's to guarantee full employment. Yet to be a true society of opportunity, people must be ready for the jobs that are available. They must have fair chance to prepare to perform well and succeed in those jobs. Toward that end, I began to develop the concept of a human resources and demonstration program. This was the first major legislative proposal I advanced, based upon my experiences in labor-management cooperation and industrial revitalization while serving as mayor of Jamestown.

Out of this grand concept of a human resources program emerged the Labor-Management Cooperation Act of 1978. With the tremendous help of the late Senator Jacob Javits, I managed to get this bill passed on the last day of the session in 1978. It continues to provide seed money for labor-management cooperation to improve our human resources all across America.

My experience as a member of the House Banking Committee in helping to craft a response to the potential bankruptcy of Chrysler convinced me that America's industrial base was being threatened. Continuing to analyze these issues in the early 1980's, I became convinced that the country was seriously deindustrializing and that was needed a basic industrial strategy to deal with the cornerstone of our economy. The recession of 1981–82 devastated many communities and sectors of our economy and it soon became clear that many of industrial markets and jobs that were lost during that recession would never be regained.

As I began to focus more of my attention on the issues of industrial competitiveness, I realized that the problems went far beyond the recession and Chrysler. We were losing world market shares in 7 out of 10 high-technology products. Our national security interests were being threatened from lost market shares in machine tools and other sectors. Our trade deficit was escalating.

Government, business, and labor were still adversaries in America. While they were busy fighting each other, our international competitors were working with their governments to gain ground in the international competitivenes race. I believed it was crucial for Government, business, and labor to work together to develop a consensus strategy on how to approach our growing international competitiveness problem. That is why in 1982, together with DAVE BONIOR and LEE HAMILTON, I introduced legislation to create a National Industrial Development Board. This independent advisory board, comprised of equal representation from business, labor, Government, and the public sector, was intended to develop a strategy for keeping industrial America competitive.

This legislative proposal was the beginning of my strong advocacy for adoption in Congress of national industrial strategy legislation. Working as a member of the Economic Stabilization Subcommittee and with its Chairman, JOHN LAFALCE, we managed to pass legislation through the House Banking Committee. Our bill proposed an Economic Cooperation Council, which was similar to my original proposal, and a National Industrial Development Bank to work with the council to channel funds to badly needed industrial projects. While such legislation was not enacted during my tenure in the Congress, I am convinced that it is only a matter of time before the Congress will once again be debating this basic issue.

Our biggest problem in trying to pass industrial strategy legislation in 1984 was that we found little support from the private sector which seemed wedded to traditional notions about the role of Government, business, and labor in the economy. But even as I speak today, a change in attitude is taking place in the private sector on the competitiveness issue under the leadership of John Young of Hewlett Packard, the Business Higher Education Forum, and others. Under John Young, a council on competitiveness is being formed involving business, labor, and others to work with Government toward the goals we outlined as advocates for industrial strategy.

From industrial strategy, I turned my attention to trade. In this area, I owe a great debt to the late Gillis Long, for whom I will always have the deepest personal respect. He provided me with the opportunity to pursue more effectively, substantive interests. While he was chairman of the Democratic caucus, he created the Committee on Party Effectiveness which serves as a kind of executive committee for the caucus. Most importantly, Gillis formed smaller issue groups within the committee and gave them the challenge of developing long-term policies.

I was fortunate enough to have been asked by Gillis in 1983 to cochair with my colleague from Oregon, LES AUCOIN, a task force on trade. Our charge was to develop a policy statement on trade for the Democrats. After 18 months' work, the group issued a report to the caucus which contained five main recommendations to help reduce our trade deficit. First, the inflated value of the dollar had to be brought down. Second, we needed to increase exports by strengthening the Export-Import Bank, streamlining export regulations, and aggressively promoting U.S. agricultural products. Third, we proposed an industrial strategy for the future competitiveness of American industry. Fourth, we had to help those sectors of the American economy, which were losing markets and jobs, to adjust to changing economic conditions. Fifth, we identified the need to amend our trade laws to

ensure reciprocal treatment for U.S. industry in international trade.

This report provided the foundation for a trade resolution I offered in September 1985 which was approved by the Democratic caucus and which committed the House to enacting a comprehensive trade bill.

To turn this commitment into reality, I concentrated on developing the Banking Committee's contribution to the trade bill. Legislation I sponsored on exchange rates and international debt was approved by the House Banking Committee and included in the trade bill which the House passed in May 1986. In addition, my proposal to increase the protection of the intellectual property rights of American companies was also incorporated into the bill. This latter measure, so vital to high-technology enterprise, may yet reach the President's desk for signature into law this year.

The 99th Congress provided me with a unique opportunity to address the Third World debt crisis and its dramatic impact on our own economic well-being. As incoming chairman of the Banking Committee's Subcommittee on International Development Institutions and Finance, I began a series of hearings on the topic.

The conclusions of my subcommittee's hearings were embodied in a September 1985 report. The key finding of that report, in my view, is simply that we in the United States have tremendous economic self-interest in improving the economic lot of people in the developing nations. Today's global economy means that our economic fate is intimately linked with theirs. If they do not grow and prosper, they cannot buy our goods; they cannot be our future markets. Even worse, if they continue to be saddled with debt as they are today, they will try to pay that debt by exports which flood our markets and undercut our own industries. That translates into hundreds of thousands of lost American jobs.

It is my profound hope that the next Congress will finally come to grips with the debt and development crisis in the Third World. Comprehensive legislation is needed to help poor countries grow and improve the lives of their people, while simultaneously restoring a promising international future for our own economy, and, not least, to guarantee the safety and soundness of our own banking system which continues to be dangerously exposed to troubled international loans.

I am proud to say that I authored and won House passage this May of a bill which takes the first steps in that direction. My "International Debt, Trade, and Financial Stabilization Act," passed as part of the House trade bill, attempts to achieve those three vital goals. I also urge my colleagues in the next Congress to do more than move forward with legislation on this problem. I implore you to have the necessary courage and vision to stand up for an economically rational approach to foreign assistance and Third World development. We must educate our own constituents about international economic facts. No nation, not even the United States, is today an economic island that can afford to ignore the well-being of our fellow man elsewhere in this world.

One of my deepest disappointments during my service in Congress is the failure of the Senate to join the efforts of the House to approve a comprehensive trade bill during the 99th Congress. I believe that the current $170 billion annual U.S. trade deficit is unsustainable. The legislation passed in the House is a framework for reducing this disastrous trade deficit. Delaying action for another year under these circumstances is inexcusable. The 100th Congrees will surely be struggling with ways to reduce our trade deficit, for our entire economic future depends on it.

Mr. Speaker, one legislative area that is often ignored but which is vitally important to our economy is banking regulations. The lack of true progress in this area has been a source of frustration for me as a member of the Banking Committee. We have been unable to grapple with the fundamental task of modernizing the regulation of our Nation's financial services industry.

Over the last 2 years, I have attempted to bring this issue to the fore. In 1985, I introduced a broad reform measure that would have provided banks and other financial institutions with the ability to underwrite and sell such financial instruments as commercial paper, mortgage-backed securities, and municipal revenue bonds. My legislation also contained a nationwide mechanism to allow for interstate banking.

In addition to this comprehensive bill, last December, I introduced legislation that would have legitimized the establishment of consumer banks—institutions designed to focus on consumer lending services and increase access to financial services for low and moderate income people.

Finally, with TOM CARPER, I cosponsored the Depository Institution Examination Improvement Act which was passed by the House on September 29 of this year. This bill improves the compensation and training systems for Federal depository institution examiners.

While passage of this bill will go a long way toward improving the effectiveness, safety and soundness of our banking system, it does not address the fundamental regulatory problems with which we must deal. Since the enactment of the Banking Act of 1933—the Glass-Steagall Act—there have been changes in our domestic and international economies and advances in technology that would have been inconceivable to the lawmakers who drafted Glass-Steagall in the dark days of the depression. In the last few years, automated teller machines, split second transfer of funds, new money market instruments, and the participation of financial conglomerates have revolutionized the banking world.

I do not think that there is anything fundamentally wrong with these changes, or with new players entering the financial services business. In fact, the increase in competition that such participants engender benefits consumers. However, the current regulatory structure, which prohibits commercial banks from providing a broader range of services, does not contribute in any way to the safety and soundness of the system. If fact, I feel that such limitations are ultimately detrimental to the stability of our banking system.

Thus, there exists today a real need for a system of regulation that recognizes the realities of the marketplace, allows for increased competition, and maintains the safety and soundness of the banking system. The industry must be able to adapt to and utilize technological innovations in a safe and reasonably regulated environment.

I believe that one of Congress' priorities in the next year should be developing such a system. Resolving the problems that currently plague our financial services structure can only help to provide new stability to our economy and restore eroding confidence in our Nation's financial system.

Since the 1930's, our Federal Government has been committed to seeing that every American has a decent place to live. This is a proper and necessary role for a government such as ours. Being on the Banking Committee has enabled me to be an effective supporter of housing programs throughout my tenure in Congress.

During my first 4 years on the Housing Subcommittee, enormous strides were made in the challenging area of low and moderate income housing programs. In those days, the Carter administration was committed to improving the efficiency and effectiveness of these programs. A great many housing programs were expanded and refined. Since 1981, however, a different philosophy toward public housing has permeated the Federal Government. Since 1981, we have literally cut housing programs "off at the knees," reducing expenditures from approximately $31 billion in fiscal year 1981 to $9 billion today. Congress has not passed a housing authorization bill since 1983, and that bill was passed only because it was attached to IMF legislation the administration badly wanted.

Housing programs are not wasteful boondoggles—they are a sound and absolutely essential utilization of Federal resources. One of the basic responsibilities of our Government is to ensure that Americans have access to decent shelter. Even in these days of budgetary cutbacks, housing programs need to be preserved.

In rural areas in particular, the lack of an adequate number of housing structures make it very difficult for poor people, many of them elderly, to find an affordable place to live. Elderly people often are unable to remain in their homes which have become difficult to maintain.

I have tried to improve existing housing programs and enable more people to be housed without an extra cost to the Government. One example of such a program was my effort to reform the financing mechanism for section 515 programs administered by the Farmers Home Administration. Another more dramatic example was my amendment which more than doubled the number of units built with the section 202 elderly housing program with no increase of Federal subsidy.

One program of which I am very proud is the Preservation Grant Program. This program, included in the 1983 housing bill as a demonstration project and reauthorized since then, provides a means, through public and private cooperation, for rehabilitating existing structures. These grants turn existing but dilapidated structures into homes for low- and moderate-income families. This is an example of how we can provide housing without spending a great deal of money. One of the great failures of the last 5 years has been the inability of the two Houses of Congress to agree on an omnibus housing bill. This year, the House has passed such legislation twice. The Senate has yet to develop a housing bill, or to consider the House-passed legislation. This hurts thousands of needy Americans across the country.

Turning from issues where I have been directly involved through my committee assignments to more general areas of national concern, tax policy deserves to be highlighted. I have advocated tax reform since the first day I came to Congress. I am pleased that Congress has finally passed a genuine tax reform bill which eliminates or curtails many of the special preferences in our existing Tax Code.

In the late 1970's. I put together a tax proposal which would have done away with almost every existing tax break—including many that had been around for decades. When BILL BRADLEY and DICK GEPHARDT introducted their Fair Tax Act in 1982, I immediately signed on as a cosponsor. Their plan embraced a similar philosophy of pure tax reform, while also being politically more realistic.

President Reagan's leadership combined with DAN ROSTENKOWSKI's toughness enabled Congress to pass legislation that truly deserves the name of tax reform. Although there are many provisions I would not have supported individually, the overall effect of tax reform is to exchange our system of special tax breaks for one of general tax fairness. In my view, it is the most important legislation I have voted on in 10½ years in Congress.

Above all, tax reform should bring some needed stability to our Tax Code and end the annual scramble to enact new tax preferences for favored constituents. While the economy may dip into a recession, in accordance with normal business cycles, I hope that Congress will resist the temptation to blame the tax reform bill for an economic downturn. That would simply be caving in to the lobbyists who will use any excuse to get another tax break for their clients.

Instead, I hope that Congress will spend the next few years studying the effects of tax reform and analyzing the way the economy responds to our remaining tax incentives. In the early 1990's, Congress may want to revisit the Tax Code. At that time, Congress may want to continue the trend toward eliminating Government tax incentives and rationalizing our tax laws. Or, Congress may want to enact a few, well-crafted tax preferences, to improve our international competitiveness and enhance our national savings rate. But above all, Congress should not, as it has in the past, start giving away tax breaks without considering what will happen to all those Americans—mostly low and middle income people—who are unable to take advantage of these tax preferences.

Other than raising the necessary revenues for Government purposes and providing for the national security, one of the most important roles of the Congress in our system is to set a context in which State and local government can effectively meet the needs of our people. I am deeply disturbed that this Congress has upset the balance in our federal system by canceling the General Revenue Sharing Program. This will simply raise local property taxes and undermine the effectiveness of the Government which is closest to the people. I hope that legislation I sponsored in 1981, the State and Local Cost Estimate Act, will at least assist in reducing the mandated cost imposed from the national level on State and local government.

The protection of our environment and development of adequate energy resources are fundamental responsibilities of government at all levels. My own special environmental concern has been nuclear waste management. The adoption of the West Valley Nuclear Waste Demonstration Act in 1980 authorized the most significant project of its kind in history. I am proud that the West Valley project is proceeding on schedule and appears to be on the way toward a successful demonstration that nuclear waste can, in fact, be cleaned up. Using the experience I gained in obtaining a consensus from groups with fundamentally opposite points of view regarding the West Valley issue, I actively participated in drafting the National Nuclear Waste Policy Act. In particular, the mission plan requirement in this legislation should help in solving this most serious environmental problem.

It is crucial that we forge a constructive policy balancing our energy requirements and environmental protection. I am deeply disturbed that both have suffered during this decade. Our conservation efforts plus some good luck broke the back of the OPEC cartel in the 1980's. But, our negligence in virtually abandoning energy conservation and development during this period of lower oil prices will come to haunt us in the future. Our environmental progress has not been sustained in the 1980's. Problems such as groundwater contamination will cause this nation considerable difficulty in the future.

The most basic aspect of our environment relates to our ability to produce the food and fiber we need. As a Federal legislator from the third largest dairy State, my major concern with agriculture policy has been the dairy support program. Throughout my years in Congress, I have been an outspoken supporter of the small, family dairy farmer.

I spoke out in favor of a system of two-tier pricing whereby the Government would provide a reasonable level of support for the amount of milk which would meet estimated national consumption needs. For any additional milk produced, the Government would pay a much lower price and then aggressively sell this surplus on the world market.

In addition to a two-tier pricing system for milk, I strongly believe that because the milk-producing regions in this country are so radically different, our policy should be regionalized. I believe it is unrealistic to think that we can design a single dairy pricing mechanism which will be fair to farmers from California to New York, when supply and demand characteristics vary widely.

Most of all, I supported dairy programs flexible enough to allow new, young farmers to continue to enter the business. And I strongly supported necessary actions to resist the increasing concentration of farmland under the ownership or control of nonagricultural corporations.

To advance the interests of consumers, I also led the fight to reform the Federal Peanut Program. In 1981, I was successful in achieving the first legislative changes in 50 years in the bureaucratic structure of the Federal Peanut Support Program. My legislation was instrumental in bringing the price of peanut products back down to an affordable level for young people and senior citizens nationwide. Still, the peanut program remains the most anticonsumer of all Federal agriculture programs. I hope that Congress phases out the remnants of the medieval allotment system when the farm bill is next renewed.

Whether one considers the interest of agriculture, industry, or the general public, any objective assessment of the national condition in 1986 must conclude that our infrastructure is dangerously in decline. Roads and bridges are deteriorating. Water and sewer systems are seriously deficient. Urban transit systems and rural electric service are not being modernized. Later in this statement, I will propose a federal capital budget: one advantage of such a system would be to accord investments in our infrastructure a higher priority.

The highest priority of the Federal Government must always be our national security. Some of the most serious differences in the Congress at the present time relate to defense and arms control issues. Without getting into the details of these disputes, I sincerely hope that an effective, verifiable strategic arms control agreement will be an historic achievement during the next Congress. I have supported sensible weapons systems and feel that, with our allies, we actually should be doing even more to strengthen our conventional capability. Yet, arms control is essential both because it reduces the risk of a devastating nuclear exchange and because we must put some substantial restraint on the growth of military spending.

The defense spending binge of this decade is the most significant cause of our disastrous budget deficit. This imbalance of revenues and expenditures is the most difficult problem under the direct control of the Congress. We are painfully aware of the results of the fiscal irresponsibility which became national policy as a result of the Gramm/Latta substitute budget adopted in 1981. Our national debt has doubled in 5 years. Interest expenses, which amounted to less than 6 percent of the Federal budget in 1976 when I first came to the Congress, now cost more than 15 percent.

The United States simply cannot go on in this irresponsible fashion. Due to the predictable magic of compound interest, fully one-third of all Federal expenditures will go to pay interest on past debt in a very few years. Radical surgery should be performed on this fiscal cancer. The prospects for prosperity for our children will otherwise be dim. Even in the near term, a crisis of confidence in the dollar could cause economic disaster which would make the recession of 1982 look modest by comparison.

I know that some radical economists, mostly of the supply side perspective, have said that this mounting debt is not a major problem, arguing that our ratio of Federal debt to gross national product is less than at the end of World War II. However, there are several fundamental differences between our situation and the one we faced 40 years ago. First of all, then we owed the money to ourselves since American citizens had purchased bonds to finance the war. At that time, we were the unchallenged world industrial and agricultural leader. Today, our budget deficit is accompanied by a trade deficit of unparalleled proportions. Our agriculture and industry are slipping seriously. We are financing our current desires, public and private, by borrowing money from abroad. This artificially inflates the value of the dollar, further eroding our competitiveness.

The United States has become the world's largest debtor nation. The implications of this level of debt are uncertain. But they are certainly not positive. There is a certain skittishness to financial markets today. There is some evidence that the Japanese and others with hard currency are becoming reluctant to keep lending us funds as the dollar depreciates. The combination of the trade deficit and the budget deficit present an ominous climate for America's future prosperity.

In order to deal with the budget deficit, I voted in favor of the Gramm-Rudman law last December. It has not worked as I hoped. But the fact is that Federal expenditures, including defense spending which had been spiralling out of control, have moderated. We may be addressing the fiscal year 1987 deficit target with smoke and mirrors, but I'm convinced that the situation would be even worse without the Gramm-Rudman target.

I would never vote to hand the power to comply with budget limits over to the Office of Management and Budget. I strongly hope Congress resists this step toward executive branch autocracy in America. Instead, I hope that Congress will bite the bullet and take the big steps toward fiscal sanity next year. Make no mistake about it: 1987 will be the turning point in the battle of the budget. It will be tough to meet the deficit reduction target. But with a concerted effort to cut out unnecessary Federal activity, improve efficiency, and ask for genuine across-the-board sacrifices, I'm convinced that major deficit reduction is achievable.

I sincerely hope that President Reagan, if he will not agree to defense cuts, will then yield in his stubbornness and admit that additional revenues are therefore needed to pay for the current cost of our Government. In any case, it is essential to preserve Congress' power of the purse by limiting spending and raising the revenue necessary to pay for current costs.

There is also a crucial need to reform the budget process. The system is clearly out of control. I would recommend that serious consideration be given to a 2-year budget cycle with very tight time frames for separate appropriation bills. The other major budget reform which is vitally needed is to establish a real capital budget, distinguishing long term public investment from operating expenditures.

Turning to other reforms which are needed to make the budget an effective instrument, the practice of governing by continuing resolution must be ended at once. It is undemocratic, the hidden nature of the process contributes to wasteful spending, and it thwarts the possibility of setting sensible priorities. Reconciliation is an important process, but it must be restricted to budget cutting measures. Somehow, the House must remain firm that the other body not attach irrelevant, unnecessary Christmas tree ornaments to these measures or the debt ceiling increases.

It also seems important to me that the responsibility of the authorizing committees be restored. Housing is far from the only major governmental function which has not been specifically authorized in several years. This failure to review and reauthorize Federal programs is distorting the power balance within the House and destroying the expertise of these committees. As a result, sensible priorities in making public policy are not achieved. This was a very different institution in the 1970's—when, incidentally, budget deficits ranged from $29 billion to $66 billion. The evolution in congressional procedure does not serve the interests of most Members. More importantly, it doesn't serve the public interest. The House leadership in the next Congress must restore the integrity of the authorizing process.

Even more radical changes in House and caucus rules probably deserve serious consideration. For example, I think that the selection of committee chairmen should not require rejection of the most senior member before selecting the best leader. I am well aware of the danger that members will become more destructively competitive and that leadership will become a popularity contest. Nevertheless, change is needed in the way the House selects those members who exercise special responsibility.

For any criticism these remarks may have conveyed, I want it understood, Mr. Speaker, that I have felt privileged to serve in this great institution. The Congress is the essential element in the greatest experiment in democracy the world has ever known. The House is made up of some wonderful people. I appreciate the wisdom that you, Mr. Speaker, have so often provided in this last decade.

I will miss working with colleagues to achieve mutual goals. Whether it's MATT MCHUGH working to achieve special help for the starving people of sub-Saharan Africa, or MARY ROSE OAKAR working to end discrimination against women, I will miss the collaboration with my colleagues.

In fact, it is sad to be leaving this House at a time when our Nation is at a crucial juncture. In my judgment, American industry and agriculture are threatened as never before. We need national attention to these essential elements of our economy. We also need to fashion a national defense which keeps our country secure but achieves meaningful arms limitation. This is essential so that our ultimate responsibility as leaders—to preserve this planet—is fulfilled. I am somewhat sorry to be leaving at a time when the Congress must face up to its most challenging budget problem and rectify the fiscal irresponsibility of these last several years. These are challenges which future Congresses can and must meet.

However, in the transition I am planning in my own public service career, there are also exciting, new opportunities. I hope to play an effective role in the executive branch of State government in New York. I hope that some of the things I've been working on in the Congress without completely fulfilling can be achieved at the State level. In any case, my experience here has been a great honor. Thank you, Mr. Speaker, and thanks to all of my fellow Members of Congress.

□ 2250

Mr. CLINGER. Mr. Speaker, will the gentleman yield?

Mr. LUNDINE. I yield to the gentleman from Pennsylvania.

Mr. CLINGER. Mr. Speaker, I want to commend the gentleman from New York for his lucid, comprehensive, and very thoughtful statement and review, I think, of the major public policy issues facing this country, and also to commend him for his outstanding service, not only to his district, but to his State and to the Nation.

As the gentleman knows, he represents the district to my north in Pennsylvania, and he has alluded, the district is primarily a Republican district, and the fact that you have served that district with such distinction for a long period, I think, is to your credit. It is also, I think, to the credit of your constituents, who, though they might be in the majority Republican, recognize a person of quality and a person of rare distinction.

I think that that was evidenced very early on as you alluded to the fact that I knew when you were mayor of the city of Jamestown and were managing that city with great skill.

The Labor Management Council, which you innovated and which has become a model for other cities and towns throughout the country, I think is exemplary.

I want to just allude to one of the items that you mentioned in your remarks this evening. That is the very pressing need we have in this country for a reordering of our budget priorities and the very pressing need we have to develop a Federal capital budget.

The infrastructure of this country is decaying and wearing out faster than we are replacing or repairing it. I think that unless we change our whole budget priorities and recognize that a Federal capital budget is essential in order to do that, we are going to see our infrastructure continue to decline and fail.

I think this is just one example of the creativity that you have brought to your position as a Member of this Congress.

I particularly also want to commend you for the pioneer work that you have done in the area of productivity. You have recognized that it is in our ability to improve our productivity in this Nation that we will be able to compete. We are going to be required to compete in a world market from now until the end of time.

So, your efforts, very, very strong efforts, to provide the mechanism for the increase in productivity and, therefore, our ability to be more competitive in the world, I think are to be commended.

This is a key issue. The gentleman from New York has been a thoughtful, innovative, and a very constructive Member of this body and as you move on to what I know are going to be even greater contributions in the public sphere, we thank you for your contributions here.

On behalf of myself, and I know on behalf of all of our colleagues, we will miss you very much.

Mr. LUNDINE. Mr. Speaker, I thank the gentleman.

The gentleman from Pennsylvania [Mr. CLINGER] is my friend and neighbor, literally. Our districts serve as the border between New York and Pennsylvania.

I commend him for the work he has done on a capital budget issue over the years. I think it is ironic as a local mayor, you distinguish between operating expenditures and those things that you do borrow for. If you build a new city hall or a courthouse, you pay for it as you use it, over time. But certainly with regard to operating expenses, you exercise a degree of prudence, not spending more than you are prepared to tax.

The gentleman has been a great leader in the area of capital budget reform, and I do think that the adoption even further than the measure that the gentleman has sponsored of the real meaningful capital budget would be one of the more progressive things that happen in this country.

We would be required in defense and nondefense areas to distinguish between what we are paying for what we are going to need today and what is an investment that we will use and that our children will use.

I do appreciate the bipartisanship with which this gentleman and so many of my other colleagues approach these questions and appreciate his kind comments.

Mr. BOEHLERT. Mr. Speaker, will the gentleman yield?

Mr. LUNDINE. I yield to the gentleman from New York.

Mr. BOEHLERT. Mr. Speaker, I was sitting in my office signing mail, as we often do at this late hour, and I was watching my television. I saw the beginning of "LUNDINE's farewell address."

I just could not miss the opportunity to come to the floor here because, as you take leave of this House in your quest for an expanded role in serving the family of New York, I want to wish you well.

□ 2400

It has been my privilege for the past 4 years to work with you. Now, some people might be surprised that the two of us in competing parties from the same State would be here today and that I would say good things about the gentleman, but I say good things about the gentleman from New York [Mr. LUNDINE] because he deserves to have good things said about him.

I am particularly interested in the gentleman's fine work in education and economic development and in the environment. Those are three areas of particular concern to me also.

There have been many occasions when the spirit of bipartisanship has found us working together for the common interest, not just for New York, but for all of the United States.

I am reminded that the greatest accomplishments come from this institution when we forget that there is a dividing line down the center aisle and we put our heads together to work for something that is worthy for America, not for the Republican Party or the Democrat Party, but for America.

I have been privileged to work with the gentleman in the Science and Technology Committee, which I think

has a reputation for being a nonpartisan or a bipartisan committee.

I am particularly mindful of the work the gentleman did with the minority leader of the House of Representatives this year to see to it that a technology transfer bill was passed. That is the type of bipartisan cooperation that produces fine results for this country.

So as I say to the gentleman bon voyage, in a way, and as I wish the gentleman well, I do not do that as an endorsement for any one of the gentleman's ventures, but I do it as a sincere wish that life has in store for the gentleman all good things, because the gentleman deserves them. He has earned it.

Mr. LUNDINE. Mr. Speaker, I thank the gentleman very much. Now that he has informed me that he does not have an opponent, I was prepared to give him an endorsement this year.

Seriously, I have deeply appreciated working with the gentleman from New York on the Science and Technology Committee. It is true that we have worked very closely and carefully together in a spirit of bipartisan cooperation to accomplish many of these things.

I feel a whole lot better about the future of this country because there are people like the gentleman and his colleague from Pennsylvania who really are looking at these problems that I have talked about and some that I have predicted will come up and bite us in future years, with such dedication and such a spririt of positive problem solving.

I deeply appreciate the gentleman coming over.

Now if we were Cinderella, the hour is such that I think not only is my 60 minutes up, but the time for remarks has expired.

I thank the gentleman so much for coming over and particiapting in this special order, which because of commitments elsewhere I suspect will probably be the last time that I will address the House, but certainly will be the last major statement that I will give to the House.

LEAVE OF ABSENCE

By unanimous consent, leave of absence was granted to:

Mr. BOLAND (at the request of Mr. WRIGHT), for today, after 1 p.m., on account of an illness in the family.

Mr. BATEMAN (at the request of Mr. MICHEL), for today until 5:30 p.m., on account of attending a funeral.

SPECIAL ORDERS GRANTED

By unanimous consent, permission to address the House, following the legislative program and any special orders heretofore entered, was granted to:

(The following Members (at the request of Mr. PACKARD) to revise and extend their remarks and include extraneous material:)

Mr. NIELSON of Utah, for 30 minutes, on October 15.

Mr. JEFFORDS, for 5 minutes, on October 14.

Mr. STANGELAND, for 30 minutes, on October 10.

Mr. SILJANDER, for 60 minutes each, on October 10, 14, and 15.

Mrs. BENTLEY, for 60 minutes each, on October 14 and 15.

(The following Members (at the request of Mr. LUNDINE) to revise and extend their remarks and include extraneous material:)

Mr. ANNUNZIO, for 5 minutes, today.

Mr. ROSE, for 5 minutes, today.

Mr. BRYANT, for 5 minutes, today.

Mr. ALEXANDER, for 5 minutes, today.

Mr. DICKS, for 60 minutes, today.

Mr. GONZALEZ, for 60 minutes, on October 10.

Mr. DANIEL, for 60 minutes, on October 14.

Mr. LAFALCE, for 60 minutes, on October 10 and 14.

EXTENSION OF REMARKS

By unanimous consent, permission to revise and extend remarks was granted to:

Mr. MARLENEE, on the de la Garza amendment to H.R. 3810, in the Committee of the Whole today.

(The following Members (at the request of Mr. PACKARD) and to include extraneous matter:)

Mr. BEREUTER in two instances.

Mr. DREIER of California.

Mr. GOODLING.

Mr. DANNEMEYER.

Mr. HYDE.

Mr. KEMP.

Mr. MCCANDLESS.

Mr. DENNY SMITH.

Mr. CRANE.

Mr. BROOMFIELD.

Mr. LUJAN.

Ms. SNOWE.

Mr. SAXTON.

Mrs. JOHNSON.

Mr. GILMAN in three instances.

Mr. TAUKE.

Mr. WORTLEY in two instances.

Mr. PACKARD in two instances.

Mr. DUNCAN.

(The following Members (at the request of Mr. LUNDINE) and to include extraneous matter:)

Mr. ROSTENKOWSKI.

Mr. MARKEY.

Mr. COELHO in four instances.

Mr. SKELTON.

Mr. COLEMAN of Texas.

Mr. DWYER of New Jersey.

Mr. FLORIO.

Mr. SMITH of Florida.

Mr. BERMAN.

Mr. YATRON in three instances.

Mr. DARDEN.

Mr. MINETA.

Mr. MONTGOMERY.

Mr. KASTENMEIER.

Mrs. SCHROEDER.

Mr. EVANS of Illinois.

Ms. OAKAR.

Mr. TRAFICANT.

Mr. MORRISON of Connecticut in two instances.

Mr. MATSUI.

Mr. LEVINE of California in two instances.

Mr. HUBBARD.

Mr. EDGAR in two instances.

Mrs. BOXER.

Mr. O'NEILL.

Mrs. BURTON of California.

Mr. LELAND.

Mr. PEASE.

Mr. RANGEL.

Mr. KOLTER in two instances.

Mr. WOLPE.

Mr. PANETTA.

Mrs. KENNELLY.

Mr. VENTO.

Mr. FEIGHAN.

Mr. LEHMAN of California.

Mr. LEHMAN of Florida.

Mr. STARK.

Mr. DIXON.

Mr. MURTHA.

Mr. WISE.

Mr. WHEAT.

Mr. MANTON.

Mrs. COLLINS in two instances.

Mr. DYSON in two instances.

Mr. BONKER.

Mr. FRANK.

Mr. BORSKI.

SENATE BILLS REFERRED

Bills of the Senate of the following titles were taken from the Speaker's table and, under the rule, referred as follows:

S. 334. An act for the relief of Bobby Lochan; to the Committee on the Judiciary.

S. 521. An act for the relief of Suzy Huf Hui Chang and Lee Lo Lin and Lee Juo Jui; to the Committee on the Judiciary.

S. 567. An act to convey Forest Service land to Flagstaff, AZ; to the Committee on Interior and Insular Affairs.

S. 767. An act to direct the Secretary of the Interior to permit access across certain Federal lands in the State of Arkansas, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 977. An act to establish the Hennepin Canal National Heritage Corridor in the State of Illinois, and for other purposes; to the Committee on Interior and Insular Affairs.

S. 1026. An act to direct the cooperation of certain Federal entities in the implementation of the Continental Scientific Drilling Program; to the Committees on Interior and Insular Affairs and Science and Technology.

S. 1076. An act for the relief of Denise Glenn; to the Committee on the Judiciary.

S. 1212. An act for the relief of Olga Sellares Barney and her children Christian Sellares Barney, Kevin Sellares Barney, and Charles Sellares Barney; to the Committee on the Judiciary.

S. 1374. An act to establish the Blackstone River Valley National Heritage Corridor in

Massachusetts and Rhode Island; to the Committee on Interior and Insular Affairs.

S. 1534. An act for the relief of Masayoshi Goda, his wife Nobuko Goda, and their children Maki Goda and Eri Goda; to the Committee on the Judiciary.

S. 2004. An act to require the President to submit to the Congress an annual report on the management of the executive branch of the Government; to the Committee on Government Operations.

S. 2216. An act to designate September 17, 1987, the bicentennial of the signing of the Constitution of the United States, as "Constitution Day", and to make such day a legal public holiday; to the Committee on Post Office and Civil Service.

S. 2536. An act to provide for block grants to States to pay the costs of immunosuppressive drugs for organ transplant patients; to the Committee on Energy and Commerce.

S. 2723. An act to amend title 39 of the United States Code to restore limited circulation second-class rates of postage for copies of a publication mailed to counties adjacent to the county of publication, and for other purposes; to the Committee on Post Office and Civil Service.

ENROLLED BILLS AND JOINT RESOLUTIONS SIGNED

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee had examined and found truly enrolled bills and joint resolutions of the House of the following titles, which were thereupon signed by the Speaker:

H.R. 2005. An act to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes;

H.R. 3526. An act to provide for the settlement of certain claims respecting the San Carlos Apache Tribe of Arizona;

H.R. 4021. An act to extend and improve the Rehabilitation Act of 1973;

H.R. 4952. An act to amend title 18, United States Code, with respect to the interception of certain communications, other forms of surveillance, and for other purposes;

H.J. Res. 678. Joint Resolution to designate October 1986 as Crack/Cocaine Awareness Month"; and

H.J. Res. 750. Joint Resolution making further continuing appropriations for fiscal year 1987, and for other purposes.

BILLS AND JOINT RESOLUTIONS PRESENTED TO THE PRESIDENT

Mr. ANNUNZIO, from the Committee on House Administration, reported that that committee did on the following days present to the President, for his approval, bills and joint resolutions of the House of the following title:

On October 8, 1986:

H.J. Res. 750. Joint resolution making further continuing appropriations for fiscal year 1987, and for other purposes;

H.J. Res. 555. Joint resolution to designate the week beginning November 24, 1986, as "National Family Caregivers Week";

H.J. Res. 671. Joint resolution designating 1987 as the "Year of the Reader";

H.J. Res. 741. Joint resolution to designate March 1987, as "Developmental Disabilities Awareness Month";

H.R. 5166. An act to designate certain lands in the Cherokee National Forest in the State of Tennessee as wilderness areas, and for other purposes;

H.J. Res. 748. Joint resolution making further continuing appropriations for fiscal year 1987, and for other purposes;

H.J. Res. 749. Joint resolution waiving the printing on parchment of certain enrolled bills and joint resolutions during the remainder of the second session of the 99th Congress;

H.R. 5362. An act to extend the authority of the Supreme Court Police to provide protective services for Justices and Court personnel;

H.R. 5548. An act to amend the Export-Import Bank Act of 1945;

H.R. 3773. An act to amend the Stevenson-Wydler Technology Innovation Act of 1980 to promote technology transfer by authorizing Government-operated laboratories to enter into cooperative research agreements and by establishing a Federal Laboratory Consortium for Technology Transfer within the National Bureau of Standards, and for other purposes;

H.R. 4718. An act to amend title 18, United States Code, to provide additional penalties for fraud and related activities in connection with access devices and computers, and for other purposes; and

H.J. Res. 635. Joint resolution to designate the school year of September 1986 through May 1987 as "National Year of the Teacher" and January 28, 1987, as "National Teacher Appreciation Day."

On October 9, 1986:

H.R. 2005. An act to extend and amend the Comprehensive Environmental Response, Compensation, and Liability Act of 1980, and for other purposes.

ADJOURNMENT

Mr. LUNDINE. Mr. Speaker, I move that the House do now adjourn.

The motion was agreed to; accordingly (at 12 o'clock and 4 minutes a.m.) the House adjourned until today, Friday, October 10, 1986, at 10 a.m.

EXECUTIVE COMMUNICATIONS, ETC.

Under clause 2 of rule XXIV, executive communications were taken from the Speaker's table and referred as follows:

4324. A letter from the Assistant Secretary of Defense (Comptroller), transmitting a listing of contract award dates for the period November 1, 1986 to December 31, 1986, pursuant to 10 U.S.C. 139(b); to the Committee on Armed Services.

4325. A letter from the Assistant Secretary of the Interior, transmitting a draft of proposed legislation to amend the Public Law 99-396 exception to the Balanced Budget and Emergency Deficit Control Act of 1985; and for other purposes; jointly, to the Committees on Interior and Insular Affairs and Government Operations.

4326. A letter from the Secretary of Commerce and the Attorney General of the United States, transmitting a draft of proposed legislation to create criminal penalties for the use for private gain of sensitive economic indicators generated by the Department of Commerce and to authorize the Secretary of Commerce to promulgate regulations deemed necessary to protect such sensitive information prior to public release; jointly, to the Committees on the Judiciary and Energy and Commerce.

REPORTS OF COMMITTEES ON PUBLIC BILLS AND RESOLUTIONS

Under clause 2 of rule XIII, reports of committees were delivered to the Clerk for printing and reference to the proper calendar, as follows:

Mr. BROOKS: Committee on Government Operations. Report on Consultative Examinations Investigation (Rept. 99-981). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on Homeless Families: A Neglected Crisis (Rept. 99-982). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on passenger security at Dulles International Airport: FAA oversight (Rept. 99-983). Referred to the Committee of the Whole House on the State of the Union.

Mr. JONES of North Carolina: Committee on Merchant Marine and Fisheries. H.R. 4046. A bill to set aside certain surplus vessels for use to provide health and other humanitarian services in developing countries, and for other purposes; with amendments (Rept. 99-984). Referred to the Committee of the Whole House on the State of the Union.

Mr. BROOKS: Committee on Government Operations. Report on training of workers involved in the highway transport of hazardous materials: DOT Overnight (Rept. 99-985). Referred to the Committee of the Whole House on the State of the Union.

Mr. MOAKLEY: Committee on Rules. H. Res. 583. Resolution providing for the consideration of House Joint Resolution 751, a joint resolution making further continuing appropriations for the fiscal year ending Sept. 30, 1987, and for other purposes; (Rept. 99-986). Referred to the House Calendar.

PUBLIC BILLS AND RESOLUTIONS

Under clause 5 of rule X and clause 4 of rule XXII, public bills and resolutions were introduced and severally referred as follows:

By Mr. ROSTENKOWSKI:

H.R. 5679. A bill to extend the exclusion from Federal unemployment tax of wages paid to certain alien farmworkers; to the Committee on Ways and Means.

By Mr. ROYBAL (for himself, Mr. BIAGGI, Mr. GREEN, Mrs. BYRON, Mr. ROBINSON, Mr. CROCKETT, Mr. SPENCE, Mr. WALDON, Mr. HAYES, Mr. ATKINS, Mr. ACKERMAN, Ms. KAPTUR, Mr. MITCHELL, Mr. MARTINEZ, Mr. MRAZEK, Mr. WEBER, Mr. OWENS, Mr. HOWARD, Mr. HORTON, Mr. EDWARDS of California, Mr. COELHO, and Ms. MIKULSKI):

H.R. 5680. A bill to establish a quality assurance system for homecare services provided under Medicare and Medicaid Programs, the Social Services Block Grant Program, and the Older Americans Act of 1965; jointly, to the Committees on Ways and

Means, Energy and Commerce, and Education and Labor.

By Mr. GILMAN:

H.R. 5681. A bill to establish a commission on back injuries; to the Committee on Education and Labor.

By Mr. DYSON (for himself, Mr. BARNES, Mrs. BENTLEY, Mrs. BYRON, Mrs. HOLT, Mr. HOYER, Ms. MIKULSKI, and Mr. MITCHELL):

H.R. 5682. A bill to authorize the Secretary of the Navy to make a certain conveyance of real property; to the Committee on Armed Services.

By Mr. BROOMFIELD (for himself, Mr. FASCELL, Mr. YATRON, Mr. SOLOMON, Mr. HERTEL of Michigan, Mr. COBEY, Mr. COBLE, Mr. DANNEMEYER, and Mr. DIOGUARDI):

H.R. 5683. A bill to deny Most-Favored-Nation treatment to imports from Yugoslavia; to the Committee on Ways and Means.

By Mr. COELHO (for himself, Mr. PANETTA, Mr. ZSCHAU, Mr. LEHMAN of California, Mr. FAZIO, Mr. LAGOMARSINO, Mr. EDWARDS of California, Mr. HAWKINS, and Mr. MATSUI):

H.R. 5684. A bill to strengthen the enforcement of plant and animal quarantine laws by prohibiting the use of any class of first-class mail for the transport of plant materials unless the person who submits the mail agrees to allow agricultural inspection of its contents in order to prevent the introduction of destructive plant and animal diseases and pests and noxious weeds; jointly, to the Committees on Agriculture, and Post Office and Civil Service.

By Ms. OAKAR:

H.R. 5685. A bill to amend title 5, United States Code, to provide that members of the U.S. Park Police and the U.S. Secret Service Uniformed Division shall, for purposes of premium pay, be treated in the same manner as other employees of the Federal Government; to the Committee on Post Office and Civil Service.

By Mr. ROSTENKOWSKI (for himself, Mr. GIBBONS, Mr. DUNCAN, Mr. JACOBS, Mr. FORD of Tennessee, Mr. JENKINS, Mr. GEPHARDT, Mr. DOWNEY of New York, Mr. GUARINI, Mr. RUSSO, Mr. PEASE, Mr. MATSUI, Mr. ANTHONY, Mr. FLIPPO, Mr. DORGAN of North Dakota, Mrs. KENNELLY, Mr. VANDER JAGT, Mr. FRENZEL, Mr. SCHULZE, Mr. GRADISON, Mr. MOORE, Mr. CAMPBELL, and Mr. THOMAS of California):

H.R. 5686. A bill relating to certain tariff and customs matters; to the Committee on Ways and Means.

By Mr. SEIBERLING:

H.R. 5687. A bill to amend title 11 of the United States Code to give priority to certain unsecured claims of retired former employees of the debtor; to the Committee on the Judiciary.

By Mrs. BENTLEY (for herself, Mr. MURTHA, Mr. KASICH, Mrs. JOHNSON, Mr. RAHALL, Ms. OAKAR, Mrs. BYRON, Mr. CLINGER, Ms. KAPTUR, and Mr. DYSON):

H.R. 5688. A bill to require the posting of a surety bond with respect to products manufactured in foreign countries or customs unions; to the Committee on Ways and Means.

By Mr. WHITTEN:

H.J. Res. 751. Joint resolution making further continuing appropriations for the fiscal year ending September 30, 1987, and for other purposes; to the Committee on Appropriations.

By Mr. FASCELL (for himself, Mr. BROOMFIELD, Mr. OBERSTAR, Mr. HAMILTON, Mr. YATRON, Mr. SOLARZ, Mr. MICA, Mr. BARNES, Mr. WOLPE, Mr. DYMALLY, Mr. LANTOS, Mr. KOSTMAYER, Mr. TORRICELLI, Mr. SMITH of Florida, Mr. BERMAN, Mr. REID, Mr. FEIGHAN, Mr. MACKAY, Mr. UDALL, Mr. GARCIA, Mr. GILMAN, Mr. LAGOMARSINO, Mr. LEACH of Iowa, Ms. SNOWE, Mr. BEREUTER, Mr. SILJANDER, Mr. ZSCHAU, Mr. DEWINE, and Mr. MCCAIN):

H. Con. Res. 406. Concurrent resolution expressing support for President Reagan in his October 11-12 meeting with General Secretary Gorbachev in Reykjavik, Iceland, and for other purposes; to the Committee on Foreign Affairs.

By Mrs. COLLINS:

H. Con. Res. 407. Concurrent resolution expressing the sense of the Congress that, during the upcoming meeting between President Ronald Reagan and General Secretary Mikhail Gorbachev, the President should insist that the Soviet Union safeguard the human rights of its citizens, allow additional Jewish emigration, and protect cultural and religious rights within its borders; to the Committee on Foreign Affairs.

By Mr. FRANK (for himself, Mr. MOAKLEY, Mr. STUDDS, Mr. MARKEY, Mr. HAMMERSCHMIDT, Mr. EARLY, Mr. SOLARZ, Mr. MAVROULES, Ms. SNOWE, Mr. ROYBAL, Mr. RINALDO, Mr. BONKER, Mr. ATKINS, Mr. BOLAND, Mr. JEFFORDS, Mr. DOWNEY of New York, Mr. CONTE, Mr. PICKLE, Mr. SMITH of New Jersey, Mr. VENTO, Mr. FUSTER, Mr. MORRISON of Connecticut, and Mr. HEFNER):

H. Con. Res. 408. Concurrent resolution to express the sense of Congress regarding efficient and compassionate management of the Social Security Disability Insurance [SSDI] Program; to the Committee on Ways and Means.

By Mr. WRIGHT:

H. Res. 582. Resolution designating room H-324 of the Capitol as the "Thomas P. O'Neill, Jr. Room"; considered and agreed to.

PRIVATE BILLS AND RESOLUTIONS

Under clause 1 of rule XXII, private bills and resolutions were introduced and severally referred as follows:

Mr. STRANG introduced a bill (H.R. 5689) for the relief of Dan V. Iuga; which was referred to the Committee on the Judiciary.

ADDITIONAL SPONSORS

Under clause 4 of rule XXII, sponsors were added to public bills and resolutions as follows:

H.R. 1916: Mr. HENDON and Mr. BARNARD.

H.R. 2015: Mr. MARTINEZ.

H.R. 2543: Mr. SYNAR, Mr. STAGGERS, Mr. SWINDALL, Mr. BARNES, Mr. HENDON, Mr. CLINGER, and Mr. DASCHLE.

H.R. 3968: Mr. KOSTMAYER and Mr. FRANK.

H.R. 4336: Mr. HUTTO.

H.R. 4439: Mr. KINDNESS and Mr. MACKAY.

H.R. 4482: Mr. SPENCE, Mr. CARPER, Mr. GEKAS, Mr. ST GERMAIN, and Mr. COUGHLIN.

H.R. 4523: Mr. FIELDS and Mr. FROST.

H.R. 4872: Mr. YATRON.

H.R. 4890: Mr. KANJORSKI.

H.R. 4922: Mr. BROWN of California.

H.R. 4934: Mr. LIVINGSTON.

H.R. 4972: Mr. SHUMWAY.

H.R. 5039: Mr. PASHAYAN.

H.R. 5189: Mr. MARLENEE.

H.R. 5235: Mr. TORRICELLI, Mr. HAYES, Mr. WEISS, and Mr. SEIBERLING.

H.R. 5291: Mr. SMITH of New Hampshire, Mr. KILDEE, and Mr. VENTO.

H.R. 5432: Mr. ATKINS and Mr. RUSSO.

H.R. 5497: Mr. BLILEY.

H.R. 5509: Ms. KAPTUR, Mr. CHANDLER, Mr. WEISS, Mr. KLECZKA, Mr. GARCIA, Mr. WISE, and Mr. HOWARD.

H.R. 5532: Mrs. BOXER.

H.R. 5538: Mr. TORRICELLI.

H.R. 5549: Mr. WILLIAMS.

H.R. 5587: Mr. DE LUGO, Ms. KAPTUR, Mr. ROSE, and Mr. SMITH of Florida.

H.R. 5596: Mr. WATKINS, Mr. WILSON, and Mr. SHUMWAY.

H.R. 5620: Mr. DUNCAN.

H.R. 5627: Mrs. SCHROEDER, Mr. OWENS, and Mr. DOWNEY of New York.

H.R. 5665: Mr. MAZZOLI and Mr. LUNGREN.

H.J. Res. 244: Mr. GARCIA and Mr. BOEHLERT.

H.J. Res. 410: Mr. VENTO.

H.J. Res. 417: Mr. DURBIN and Mr. DORNAN of California.

H.J. Res. 677: Mr. SIKORSKI, Mr. COUGHLIN, Mr. LUJAN, Ms. OAKAR, Mr. RICHARDSON, Mr. MARTINEZ, Mr. DIOGUARDI, Mr. STOKES, Mr. BARNES, Mr. DAVIS, Mr. AKAKA, Mr. LEVINE of California, Mr. NIELSON of Utah, and Mr. DWYER of New Jersey.

H.J. Res. 706: Mr. FROST, Mr. BONER of Tennessee, Mr. SMITH of New Hampshire, Mr. WALGREN, Mr. SHAW, and Mr. VENTO.

H.J. Res. 740: Mr. MILLER of California.

H. Con. Res. 393: Mr. PORTER, Mr. MCCOLLUM, Mrs. BOXER, and Mr. MRAZEK.

H. Con. Res. 396: Mr. ABERCROMBIE, Mr. SKELTON, Mr. FUQUA, Mr. EDWARDS of California, and Mr. JEFFORDS.

H. Con. Res. 403: Mr. GORDON, Mr. MCCOLLUM, Mr. TORRES, Mr. WORTLEY, Mr. LUNDINE, and Mr. LEHMAN of California.